



Education

THE

PUBLIC SCHOOL LAW

OF

NORTH CAROLINA

BEING A PART OF

CHAPTER 89, REVISAL OF 1905, AS AMENDED BY THE GENERAL
ASSEMBLY OF 1907, 1909, 1911, 1913, 1915, AND 1917

TOGETHER WITH

EXPLANATORY NOTES AND DECISIONS OF
THE STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

RALEIGH

ISSUED FROM OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION

1917



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STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
RALEIGH, 1917

PREFATORY NOTE

This compilation of the Public School Laws of North Carolina is issued in this form, in accordance with section 4089 of The Revisal of 1905.

All amendments to the General School Law made by the several General Assemblies since the compilation of the law in The Revisal of 1905 have been incorporated in the respective sections, and the amendments made by the General Assembly of 1917 are printed in italics in the amended sections. This compilation includes also the special acts of State-wide application relating to public schools not included in the body of the public school law.

The notes, decisions and other matter, it is hoped, will be found convenient and useful.

A careful reading of the law by all school officers and teachers will prevent many mistakes and much burdensome correspondence and delay.

J. Y. JOYNER,

Superintendent of Public Instruction.

RALEIGH, May, 1917.

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EDUCATION IN OUR CONSTITUTION

Article IX of the Constitution of North Carolina relates to education. It reads as follows:

SECTION 1. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

25 Sept. 1904
SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all money, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

25 Sept. 18 District
SEC. 5. All moneys, stocks, bonds, and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

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SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of the University.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.

SEC. 9. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the president and directors of the literary fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended, or repealed by the General Assembly, and when so altered, amended or repealed they shall not be reënacted by the board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the board.

SEC. 12. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 13. The contingent expenses of the board shall be provided by the General Assembly.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.—*Bill of Rights, North Carolina Constitution.*

Article II, section 29:

The General Assembly shall not pass any local, private, or special act or resolution: "Erecting new townships, or changing township lines, or establishing or changing the lines of school districts."

EDUCATIONAL QUALIFICATION FOR SUFFRAGE.

Article VI, section 4, of the Constitution of North Carolina contains the following:

Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before

he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year, as prescribed by Article V, section 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908.

NEW SCHOOL LEGISLATION, 1917

AN ACT TO ESTABLISH A STATE BOARD OF EXAMINERS AND INSTITUTE CONDUCTORS

[CHAPTER 146, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. There shall be and is hereby constituted a State Board of Examiners and Institute Conductors, which shall consist of six members—three men and three women—of recognized ability, character, professional training and successful experience in teaching or in supervising schools, to be designated as Institute Conductors, who shall be appointed by the Governor of the State, three for a term of two years, three for a term of four years, and their successors for a term of four years. All vacancies occurring in the membership of said board by death or resignation or otherwise shall be filled in the same manner for the unexpired term. The State Superintendent of Public Instruction shall be *ex officio* chairman of said board, and the State Supervisor of Teacher-Training and Superintendent of the State Normal Schools for the Colored Race and the Cherokee Indians shall be *ex officio* secretary. The salary of each institute conductor shall be fixed by the State Board of Education, upon the recommendation of the executive committee of the North Carolina Teachers' Assembly, at a sum not to exceed two thousand five hundred dollars per year exclusive of expenses. For immoral conduct, incompetency, failure to perform duty, or other and sufficient cause, the State Board of Education may remove from office any member of said Board of Examiners and Institute Conductors, after due notice in writing to said member of the charges, who shall be given at least five days to appear and answer and offer evidence, and who shall have the right of appeal from the action of the State Board of Education to the courts of the State.

SEC. 2. Said Board of Examiners and Institute Conductors shall have entire control of examining, accrediting without examination, and certifying all applicants for the position of teacher, principal, supervisor, superintendent, and assistant superintendent in all public elementary and secondary schools of North Carolina, urban and rural, and no person shall be employed or serve in said schools as teacher, principal, supervisor, superintendent or assistant superintendent, who shall not be certificated for such position by said board under the provisions of this act: *Provided, however,* that the examination and certification of all applicants for second and third grade certificates shall be under the control of the county superintendent of each county or of the town or city superintendent of each town or city system operated under special act or charter. Said board shall prescribe rules and regulations for examining, accrediting without examination, and certifying all such applicants for the renewal and extension of certificates and for the issuance of life certificates. No certificate issued by said board shall be valid until approved and signed by the county superintendent of the county or the city superintendent of the city in which the examination of the holder of said certificate was held, or in the schools of which the holder of said

certificate, if issued without examination, applies to teach. Any certificate when so approved by said county or city superintendent shall be of Statewide validity, and in case said county or city superintendent shall refuse to approve and sign any such certificate, he shall notify the secretary of the State Board of Examiners and Institute Conductors and state in writing the reasons for such refusal, and said State Board of Examiners and Institute Conductors shall have the right, upon appeal by the holder of said certificate, to review and investigate and finally determine the matter.

SEC. 3. All State high school certificates, five-year State elementary school certificates, and first-grade county certificates in force at the time of the ratification of this act shall continue in force until the date of their expiration as stated in each certificate, after which the present holders of such certificates shall be subject to such rules and regulations as the State Board of Examiners and Institute Conductors may adopt in regard to the issuance or renewal, with or without examination, of certificates of the same class. Said Board of Examiners and Institute Conductors shall issue to all city superintendents, to all county superintendents, and to all assistant superintendents in service at the time of the ratification of this act temporary superintendents' or assistant superintendents' certificates without examination, and prescribe rules and regulations for the renewal and extension of the same; and in cases of undoubted fitness, competency, and progressive efficiency, evidence of which shall be submitted in writing to said board, it shall issue to all such superintendents and assistant superintendents a permanent certificate without examination under such rules and regulations as said board may adopt. On or before July first, nineteen hundred and seventeen, the superintendent or other supervising officer of every city, town, or other specially chartered school that now has power and authority to elect teachers without a county or State certificate shall file with the State Board of Examiners and Institute Conductors a complete list of the names of all teachers, principals, and supervisors in service in the school or schools under his supervision during the school year ending June thirtieth, nineteen hundred and seventeen, together with a certified statement from them and from said superintendent or supervising officer of the qualifications, preparation, professional training, and teaching experience of each, and the recommendation of said superintendent or supervising officer as to the grade of certificate to which each is entitled. Whereupon the State Board of Examiners and Institute Conductors may authorize and cause to be issued to such teachers, principals, and supervisors, without examination, a permanent certificate of the grade recommended, subject, however, to the rules and regulations of said board for keeping permanent certificates in force.

SEC. 4. The State Board of Examiners and Institute Conductors shall prepare questions for the examinations authorized under this act, and the State Superintendent of Public Instruction shall cause lists of the questions so prepared to be printed, and shall, before the date of such examination, send in sealed packages, not to be opened until the day of the examination, to each superintendent or other person appointed to conduct said examinations in the various counties or cities of the State, a sufficient number of such lists. The second Tuesday in April, July, and October of each year is hereby designated for said examinations, which may be continued from day to day for three successive days, under such rules and regulations as said board may adopt; but no examination shall commence on any other day than the first

day of each period mentioned in this section, and no examination shall be held at any other time: *Provided, however,* that said board may in its discretion provide for special examinations to be conducted by such persons as it may appoint. Said examinations shall be conducted by the county superintendent of each county for all applicants in his county, and, in cities and towns of two thousand or more inhabitants said examinations for applicants for positions in the schools under their supervision may be conducted by the licensed superintendents of the schools in said cities and towns. All examination papers shall be promptly transmitted to the secretary of the State Board of Examiners and Institute Conductors. All examinations of applicants for superintendents' certificates shall be conducted by the State Board of Examiners and Institute Conductors under such rules and regulations as it may adopt therefor. Upon the recommendation of the superintendent concerned, said board may grant a temporary certificate or permit valid in the county or city designated, to any teacher who at the time of the last preceding examination was not in the State, or who at such time was prevented by illness from taking the examination, as evidenced by the certificate of a physician. Such temporary certificate or permit, however, shall be valid only from the date of issuance to the date on which the State Board of Examiners and Institute Conductors shall make their report upon applicants at the next meeting succeeding regular examination, and no such temporary certificate or permit shall be renewed.

SEC. 5. Said Board of Examiners and Institute Conductors may, with the approval of the State Board of Education when adjudged by it to be absolutely necessary, employ competent persons to assist in the reading and grading of examination papers, and shall fix the compensation of such persons not to exceed five dollars a day for the time employed, to be paid upon the requisition of the chairman of the board out of the funds provided under this act. Said board is authorized to employ a stenographer at such compensation as it may fix, and to have done as public printing by the State Printer all printing necessary for its work.

SEC. 6. After July the first, nineteen hundred and seventeen, it shall be unlawful for any board of trustees or school committee of any public school that receives any public school money from county or State to employ or keep in service any teacher, superintendent, principal, supervisor, or assistant superintendent that does not hold a certificate in compliance with the provisions of this act. Upon notification by the State Board of Examiners and Institute Conductors to the State Board of Education or to the county board of education that any school committee or board of trustees is employing or keeping in service a teacher, supervisor, principal, superintendent, or assistant superintendent in violation of the provisions of this act, said State Board of Education shall withhold from such county any and all appropriations from the State Treasury for such school, and said county board of education shall withhold from said school any and all appropriations from the county school fund until the law has been complied with. The county, town, or city superintendent or other official is hereby forbidden to approve any voucher for salary for any such person employed in violation of the provisions of this act, and the treasurer of the county, town, or city schools is hereby forbidden to pay out of the school fund the salary of any such person: *Provided,* that nothing herein shall prevent the employment of temporary substitute or emergency teachers under such rules as the State Board of Examiners and Institute Conductors may prescribe.

SEC. 7. In coöperation with the Supervisor of Teacher-Training and Superintendent of the State Normal Schools for the Colored Race and for the Cherokee Indians, said board shall plan, direct, and supervise the work of said schools, and shall have general direction and supervision of the work of all teachers' associations and reading circles and of such other work as may be deemed necessary for professional training and home study for teachers.

SEC. 8. Said Board of Examiners and Institute Conductors shall plan, direct, and the six members of the board designated herein as institute conductors shall conduct, biennially in each county in North Carolina a county teachers' institute for not less than two weeks for the public school teachers of said county, at such time and place therein as may be designated by said board, having due regard in fixing the time and place to the convenience of the teachers and the recommendations of the county board of education and county superintendent. All public school teachers of the State, rural and urban, including all public high school teachers, principals, supervisors, and superintendents, are hereby required to attend biennially some county institute continuously for two weeks or some summer school for teachers accredited by said board, continuously for one entire term of such summer schools, unless excused from attendance by said board for sickness evidenced by the certificate of a physician, or for other cause adjudged by the board to be providential. Failure to attend such institute or accredited summer school, unless so excused, shall debar any person so failing from teaching or supervising in any public school, high school, urban or rural, until such person shall have attended some county institute or summer school as herein required; and said board is authorized to cancel the certificate of any person failing to comply with the provisions of this section. Said board shall provide for separate county institutes for the teachers of each race, and is further authorized to provide for joint county institutes for two or more counties for the teachers of either race, and to provide for holding the county institute of any county in which an accredited summer school is conducted in conjunction with said summer school. Said board is hereby authorized to employ competent negro teachers to assist in conducting the county institutes for negro teachers and to fix their compensation, which shall be paid out of the funds provided in this act. That the schedule of institutes shall be arranged annually so as not to interrupt the regular session of the public schools, rural or urban, in any county, except with the consent of the county board of education, or the trustees of urban schools operated under special charters.

SEC. 9. There shall be the following classes of first-grade certificates: (1) Superintendents' and Assistant Superintendents'; (2) High School Principals'; (3) High School Teachers'; (4) Elementary School Teachers'; (5) Elementary Supervisors'; and (6) Special. Said State Board of Examiners and Institute Conductors may subdivide and shall define in detail the different classes of first-grade certificates, determine the time of their duration and validity, prescribe the standards of scholarship for same, and the rules and regulations for the examination for them and for their issuance, and their renewal or extension.

SEC. 10. Any person who purloins, steals, buys, receives, or sells, gives, or offers to buy, give, or sell any examination question or copies thereof or any examination questions or copies thereof of any examination provided and prepared by law before the date of the examination for which they shall have

been prepared, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 11. For the payment of the salaries and all other expenses authorized under this act, and for carrying out all of the provisions thereof, the State Board of Education is hereby authorized and directed to deduct and set aside annually on and after January first, nineteen hundred and eighteen, the sum of twelve thousand five hundred dollars (\$12,500) out of the appropriation to the public schools provided under section one of chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen, and the further sum of twelve thousand five hundred dollars (\$12,500) annually out of the appropriation to the public schools known as the State Equalizing School Fund provided under section three of chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen, making a total of twenty-five thousand dollars (\$25,000) annually. These respective amounts shall be annually deducted from each of these appropriations before the annual apportionment of said appropriations is made under chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen. Any unused balance thereof remaining in the hands of the State Treasurer on the first Monday of January of each year following its apportionment for these purposes shall be returned to the State Equalizing School Fund: *Provided, however*, that the State Board of Education is hereby authorized and directed to deduct from the State Equalizing School Fund to be apportioned by it under section four of chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen for the school year ending June thirtieth, one thousand nine hundred and seventeen, the sum of fifteen thousand dollars, to be used in payment of the salaries and other expenses under this act from the ratification of this act until the first Monday in January, one thousand nine hundred and eighteen.

SEC. 12. Sections four thousand one hundred and sixty-two and four thousand one hundred and sixty-seven of chapter eighty-nine of the Revisal of one thousand nine hundred and five, as amended by the General Assemblies subsequent to one thousand nine hundred and five, and all other laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

AN ACT TO AMEND SECTIONS OF THE REVISAL OF 1905 AND CERTAIN CHAPTERS OF THE PUBLIC LAWS OF 1907, 1911, 1913, AND 1915, BEING PARTS OF THE PUBLIC SCHOOL LAW

[CHAPTER 285, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand one hundred and twenty-nine of the Revisal of nineteen hundred and five be and the same is hereby amended as follows: (a) by inserting after the word "townships" and before the word "into," in line two of said section, these words: "or the entire county or any part of the county"; (b) by inserting after the word "practicable" and before the word "it," in line three of said section, these words: "and said

board is hereby authorized and empowered to redistrict the entire county or any part thereof and to consolidate school districts wherever and whenever in its judgment the redistricting or the consolidation of districts will better serve the educational interests of the township, or the county, or any part of the county."

SEC. 2. That section four thousand one hundred and forty-one of the Revisal of nineteen hundred and five be and the same is hereby amended by inserting after the word "jurisdiction" at the end of line fourteen, and before the word "unless" at the beginning of line fifteen of said section, the words: "He is hereby required to make at the end of each calendar month during the year a brief report to the county board of education, setting forth a statement of his work and activities and of the educational progress in the county for the month. This report shall be made upon blanks prepared and furnished by the State Department of Public Instruction, and a copy of each monthly report shall be sent to the State Superintendent of Public Instruction."

SEC. 3. That section four thousand one hundred and forty-five of the Revisal of nineteen hundred and five be and the same is hereby amended by inserting after the word "men" and before the word "of," in line five of said section, the words: "of good moral character and"; and that chapter one hundred and forty-nine, Public Laws of nineteen hundred and thirteen, be and the same is hereby amended by inserting after the word "intelligence" and before the word "and," in line sixteen on page two hundred and thirty-seven, Public Laws of nineteen hundred and thirteen, the words: "good moral character."

SEC. 4. That chapter eight hundred and twenty, Public Laws of nineteen hundred and seven, be and the same is hereby amended as follows: By inserting after the word "act" and before the word "the," in line four of section ten of said chapter, these words: "The State Board of Education is hereby authorized to reserve annually out of this appropriation an amount not to exceed five hundred dollars, to be paid out upon the requisition of the State Superintendent of Public Instruction in defraying a part of the necessary expense incurred in connection with the supervision and inspection of public high schools receiving aid under the provisions of this act."

SEC. 5. That chapter one hundred and thirty-five, Public Laws of nineteen hundred and eleven, be and the same is hereby amended by inserting after the word "districts" and before the word "in," in line four of subsection (j) of section one of said chapter, these words: "urban and rural and to consolidate such districts"; and further amend said subsection (j) by striking out at the end thereof the following words: "in which the same rate of special taxation for schools is levied," and inserting in lieu thereof the following words: "county boards of education of any two contiguous counties are hereby authorized to transfer children from a school district of one county to the adjacent school district in the other county for the convenience of the children transferred and to arrange by agreement for reasonable compensation out of the county school fund of the county from which such transfers are made to be placed to the credit of the school district in the other county in which the children transferred attend school."

SEC. 6. That chapter one hundred and forty-nine, Public Laws of nineteen hundred and thirteen, be and the same is hereby amended as follows: (a) at the end of subsection (m) of section one of the said chapter add these

words: "There shall be an average daily attendance of not less than twenty pupils for each additional teacher employed"; (b) strike out the word "ten" in line twenty of subsection (f) of section three of said chapter, and insert in lieu thereof the word "twenty."

SEC. 7. That chapter fifty-five, Public Laws of nineteen hundred and fifteen, be and the same is hereby amended by adding at the end of section four of said chapter the following words: "The funds derived from the sale of bonds for the benefit of any school district having a bonded treasurer shall be deposited with said treasurer to the credit of such district: *Provided, however,* that no treasurer handling the funds derived from the sale of bonds voted under the provisions of this act shall receive any commission therefor."

SEC. 8. That chapter two hundred and thirty-six, Public Laws of nineteen hundred and fifteen, be and the same is hereby amended by inserting after the word "necessary" and before the word "but," in line six of subsection (a) of section five, these words: "and such additional contingent fund as it may deem advisable for the encouragement and support of home demonstration and club work: *Provided,* the amount set aside under this provision shall in no case exceed one-half the amount spent for such purposes in the county."

SEC. 9. That chapter two hundred and forty-seven, Public Laws of nineteen hundred and fifteen, be and the same is hereby amended by striking out the word "seventeen" between the word "word" in line four and the word "and" in line five of section one of said chapter, and inserting in lieu thereof the word "twenty."

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

EXPLANATION OF THE SEVERAL SECTIONS OF THE FOREGOING ACT (THE EDUCATIONAL OMNIBUS BILL)

SECTION 1.—This section, amending section 4129 of the Revisal of 1905, enlarges the power of the county board of education regarding changes in the boundary lines of school districts so as to enable the county board to provide for situations that have heretofore been taken care of by special acts of the Legislature. This provision is now necessary, since, under recent amendment to the Constitution, the General Assembly is prohibited from passing "any local, private, or special act or resolution . . . establishing or changing the lines of school districts."

SECTION 2.—This section, amending section 4141 of the Revisal of 1905, requires the county superintendent of public instruction to make monthly reports of the school progress in his county, and of his work activities, to the county board of education and to furnish duplicate copies to the State Superintendent of Public Instruction.

SECTION 3.—This section, amending 4145 of the Revisal of 1905 and chapter 149, Public Laws of 1913, simply requires that school committeemen appointed by the county board of education shall be men of "good moral character."

SECTION 4.—This section, amending chapter 820, Public Laws of 1907, authorizes the State Board of Education to use \$500 of the annual high school appropriation now made to the public high schools "in defraying a part of the

necessary expenses incurred in connection with the supervision and inspection of the public high schools receiving aid under this act."

SECTION 5.—This section, amending chapter 135, Public Laws of 1911, places in the hands of the county board of education certain necessary authority, as explained in section 2 above, regarding changes in boundary lines of school districts, and by striking out the words "in which the same rate of special taxation of schools is levied," gives the board authority to consolidate adjacent districts in which the special tax rate may not be the same. And it further authorizes "county boards of education of any two contiguous counties . . . to transfer children from a school district in one county to the adjacent school district in another county for the convenience of the school children transferred, and to arrange by agreement for reasonable compensation out of the county school fund of the county from which such transfers are made to be placed to the credit of the school district in the other county in which the children transferred attend school."

SECTION 6.—This section, amending chapter 149, Public Laws of 1913, by the provision embodied in subsection (a) requires that there shall be an average daily attendance of not less than twenty pupils for each additional teacher employed in schools having more than two teachers. This provision is intended to safeguard more effectively the distribution of the State and county school funds.

Subsection (b) of this section requires cities and towns receiving State aid for public high school instruction to make an average daily attendance of at least twenty pupils from outside the local district, instead of ten as now required.

SECTION 7.—This provision amends the State-wide act authorizing any county, township, or high school district to issue bonds for school purposes, this act being chapter 55, Public Laws of 1915, so as to provide that the funds derived from the sale of bonds voted and issued for the benefit of any school district having a bonded treasurer shall be deposited with the local treasurer to the credit of the school. And it further provides that the treasurers shall receive no commission for handling funds derived from the sale of bonds issued under this act.

SECTION 8.—This section amends chapter 236, Public Laws of 1913, so as to authorize the county board of education of any county to set aside a reasonable amount out of the county school fund to encourage home demonstration work and club work. (See section 4116, Public School Law.)

AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARDS OF EDUCATION

[CHAPTER 291, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons are hereby appointed members of the county board of education in and for their respective counties for a term of six years, except as otherwise provided herein, from the first Monday of July, one thousand nine hundred and seventeen, that is to say:

Alexander—Van W. Teague (six years).

Alleghany—M. A. Higgins (six years), F. M. Osborn (four years), and W. E. Cox (two years).

Anson—J. P. Ratliff (six years).

Ashe—Dr. J. C. Gambill (six years).

Avery—R. L. Wiseman (six years).

Beaufort—John B. Sparrow (six years), R. L. M. Bonner (four years), T. R. Hodges (two years).

Bladen—C. Monroe (six years), Dr. W. H. G. Lucas (four years), F. D. McLean (two years).

Brunswick—John L. Simmons (six years).

Cabarrus—W. F. Smith (six years).

Caldwell—W. L. Minish (six years).

Camden—John R. Sawyer (six years), J. Logan Sawyer (two years).

Carteret—Benjamin F. Royal (six years).

Caswell—L. A. Guyn (six years).

Catawba—Robert Brady (six years).

Chatham—W. B. Harding (six years).

Cherokee—Dr. H. N. Wells (six years), D. T. McNabb (four years).

Chowan—W. S. Privott (six years), W. D. Welch (four years), J. L. Savage (two years).

Clay—William H. Harrison (six years).

Columbus—E. W. Wells (six years), J. Lee Williamson (four years).

Craven—O. H. Wetherington (six years).

Cumberland—J. W. Hall (six years).

Dare—Thomas J. Fulcher (six years).

Davidson—G. T. Cochrane (six years).

Davie—A. W. Ellis (six years).

Duplin—L. Middleton (six years).

Durham—W. H. Wanamaker (six years).

Forsyth—W. N. Poindexter (six years).

Franklin—Edgar L. Green (six years), C. R. Sandling (six years).

Gaston—J. H. Rudisill (six years).

Graham—S. P. Harwood (six years), Troy Hyde (four years).

Granville—C. H. Cheatham (six years).

Greene—B. F. D. Albritton (six years), L. J. H. Mewborn (four years).

Harnett—O. Bradley (six years).

Haywood—T. L. Gwynn (six years).

Henderson—J. W. Morgan (six years), J. O. Bell (four years).

Hertford—E. B. Vaughan (six years).

Hoke—N. A. McDonald (six years).

Hyde—Z. T. Fortescue (six years).

Jackson—J. L. Broyles (six years), E. H. Stillwell (four years), R. R. Fisher (two years).

Johnston—W. G. Wilson (six years).

Jones—B. L. Brock (six years).

Lenoir—G. V. Cowper (six years).

Lincoln—Milton S. Rudisill (six years).

Macon—T. C. Bryson (six years).

Madison—W. R. Sams (six years).

Martin—J. D. Biggs (six years).

McDowell—J. K. Cowan (six years).
Mitchell—J. W. Gudger (six years).
Montgomery—Alfred R. Moore (six years).
Moore—J. R. McQueen (six years).
Nash—I. F. Finch (six years).
New Hanover—C. B. Newcomb (six years), T. E. Cooper (four years).
Northampton—J. B. Stephenson (six years).
Onslow—Clayton Mills (six years).
Orange—C. A. McDade (six years).
Pamlico—George W. Brinson (six years).
Pasquotank—W. G. Cox (six years).
Pender—H. M. Page (six years).
Perquimans—James H. Miller (six years).
Person—W. R. Wilkerson (six years).
Pitt—A. G. Cox (six years).
Polk—S. B. Weaver (six years).
Randolph—Dr. Charles H. Phillips (six years).
Richmond—Franklin H. Gates (six years).
Robeson—Thomas L. Johnson (six years).
Rockingham—W. R. Lynch (six years), Eugene Irvin (four years).
Rowan—J. M. McCorkle (six years), J. W. Peeler (four years).
Sampson—Willie A. Jackson (six years).
Scotland—Dr. W. G. Shaw (six years).
Stanly—J. A. Little (six years).
Stokes—
Surry—R. H. Chatham (six years).
Swain—G. I. Calhoun (six years), W. T. Allen (two years).
Transylvania—J. M. Southern (six years), Luther Wilson (four years).
Tyrrell—Paul Jones (six years), H. Seaton Swain (four years).
Vance—James E. Kimball (six years).
Wake—Dr. G. M. Bell (six years).
Warren—J. D. Newell (six years), John Skinner (four years).
Washington—William Wiley (six years).
Watauga—Newton Howell (six years).
Wayne—W. F. English (six years).
Wilkes—James S. Kilby (six years).
Wilson—E. J. Barnes (six years).
Yadkin—T. J. Phillips (six years).
Yancey—L. D. Gillespie (six years).

SEC. 2. That the Secretary of State shall within sixty days after the ratification of this act send a certified copy of the names of the county boards of education appointed by this act for the respective counties to the clerk of the Superior Court of each county in the State; thereupon said clerk shall immediately notify each member of his appointment, and direct said members to appear at the courthouse on the first Monday of July thereafter for the purpose of qualifying as directed by law.

SEC. 3. All appointments under this act shall expire on the first Monday of April as provided by House Bill one thousand one hundred and forty-seven, Senate Bill one thousand one hundred and thirty, enacted by the General Assembly of nineteen hundred and seventeen, and entitled "An act providing for the nomination and election of county boards of education."

SEC. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

AN ACT TO CREATE A STATE EDUCATIONAL COMMISSION

[CHAPTER 197, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created a State Educational Commission of five members, to be appointed by the Governor for the term of office of two years. It shall be the duty of the said commission to make a thorough study of the school laws of the entire public school system of the State, a careful survey of existing educational conditions, and a comparative study and investigation of the educational systems of other States. Said commission shall codify the public school laws of the State and make recommendations of such amendments, changes, and additions to the school law as in its opinion may be needed.

SEC. 2. That said commission shall also investigate the methods and cost of supplying text-books to the public schools of this and other States, and also the advisability of establishing a State printing plant for the purpose of printing text-books and doing the other printing of the State, together with the present cost and method of public printing in this State, and report their findings and recommendations as herein provided.

SEC. 3. That said commission shall investigate the matter of public school teachers' pensions in the several States, and report to the General Assembly as herein provided with its findings and recommendations.

SEC. 4. Said commission is hereby authorized to employ such clerical and other assistance as it may deem necessary for its work, and to call to its aid such other assistance as may be available without expense to the State, from public or private foundations.

SEC. 5. That a sum of money not to exceed one thousand dollars (\$1,000) is hereby appropriated out of the public funds in the hands of the State Treasurer not otherwise appropriated for the expenses of said commission and its work.

SEC. 6. That the compensation of the members of the said commission shall be five dollars (\$5) per day and expenses for the time actually given by said commission for carrying out the purposes of this act, and the compensation of all persons employed by said commission under this act shall be fixed by said commission. That the payment of the members of the commission and of all employed under this act shall be upon requisition of the chairman of the commission approved by the Governor. Said commission is hereby authorized to have all printing necessary for carrying out the purposes of this act done by the public printer as other public printing is done.

SEC. 7. The said commission shall make a report of its findings and recommendations, together with the expenses of the commission, through the Gov-

ernor to the General Assembly of one thousand nine hundred and nineteen within five (5) days after the convening thereof.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this 6th day of March, A. D. 1917.

AN ACT TO INCREASE THE ANNUAL STATE APPROPRIATION FOR PUBLIC HIGH SCHOOLS FROM \$75,000 TO \$100,000

[CHAPTER 227, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-five, Public Laws of one thousand nine hundred and eleven, be and the same is hereby amended as follows: At the end of line five in section two strike out the word "seventy-five" and insert in lieu thereof the words "one hundred."

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

AN ACT FOR THE REDUCTION AND ELIMINATION OF ILLITERACY IN NORTH CAROLINA

[CHAPTER 224, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is authorized and directed to appropriate annually for two years the sum of twenty-five thousand dollars for conducting schools to teach adult illiterates, the said appropriation to be made out of funds delivered to said State Board of Education under the terms of an act of the General Assembly entitled "An act to issue bonds of the State of North Carolina for the permanent enlargement and improvement of the State's educational and charitable institutions."

SEC. 2. That the State Board of Education shall duplicate out of said appropriation the sum of money raised and provided by any county, any school district, or community for the conduct of any school in said county, school district, or community for teaching illiterates over fourteen years of age for a term of not less than one month with an enrollment of not less than ten.

SEC. 3. That the State Board of Education is authorized to use annually not to exceed five thousand dollars of said appropriation for the organization and direction of said work of teaching illiterates under the direction of the State Superintendent of Public Instruction. All printing necessary for carrying out the purposes of this act shall be done by the State Printer as public printing to an amount not to exceed five hundred dollars annually.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

**AN ACT TO AMEND CHAPTER 173 OF THE PUBLIC LAWS OF 1913
AND CHAPTER 236 OF THE PUBLIC LAWS OF 1915, SO AS TO
INCREASE THE AGE LIMIT FOR COMPULSORY ATTENDANCE FROM
TWELVE YEARS TO FOURTEEN YEARS**

[CHAPTER 208, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-three, Public Laws of one thousand nine hundred and thirteen, be and the same is hereby amended as follows: (a) In lines four and twenty-four of section one strike out the word "twelve" and insert in lieu thereof in each case the word "fourteen"; (b) in line eleven of section one strike out the word "four" and insert in lieu thereof the word "six"; (c) in line three of section three strike out the word "twelve" and insert in lieu thereof the word "fourteen"; (d) in line four of section eleven strike out the word "twelve" and insert in lieu thereof the word "fourteen."

SEC. 2. That chapter two hundred and thirty-six of Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended as follows: (a) Subsection (a) of section three is hereby repealed; (b) amend section five by inserting after the word "committee" and before the word "or" in line four the words "of the township"; (c) amend section six by striking out the word "twelve" in line five and inserting in lieu thereof the word "fourteen."

SEC. 3. That this act shall be in force from and after the first day of September, one thousand nine hundred and seventeen.

Ratified this the 6th day of March, A. D. 1917.

**AN ACT TO PROVIDE FOR THE TEACHING OF AGRICULTURE, MANUAL
TRAINING, AND HOME ECONOMICS IN THE PUBLIC SCHOOLS OF
NORTH CAROLINA**

[CHAPTER 190, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. The Governor of the State of North Carolina shall appoint a commission to consist of not less than three members, said commission to serve without compensation, whose duty it shall be to prepare courses of study in agriculture, manual training, and home economics for the public schools of the State; and the State Board of Education shall cause the same to be printed in bulletin form, said bulletins to be used in all of the public schools of North Carolina as supplementary texts and guides in teaching these subjects. These bulletins shall contain courses of study and readily usable outlines in nature study; soils and soil fertility; crop producing and

management; gardening and fruit growing; live-stock farming, including dairying and poultry raising; forestry; grading, packing, and shipping farm products; manual training; home economics, including domestic art and domestic science; together with suggestions for rural organization, community building, and rural-life development.

SEC. 2. These courses shall be divided into two parts, to wit, a course for the elementary schools and a course for the high schools. These two major groups may be subdivided as the commission deems wise: *Provided*, that the subject-matter in each division and subdivision shall be adapted to the proper grades: *Provided further*, that in the course of agriculture, manual training, and home economics provision be made, so far as is practicable, for the verification and demonstration of the principles taught in the classroom.

SEC. 3. For the purpose of encouraging the practical application of the principles taught in the classroom, the commission shall prepare and prescribe a system of credits whereby boys and girls shall receive school credit for work done outside of school hours upon the farm and in the home: *Provided*, that said system be worked out in coöperation with and in recognition of the present system of credits obtaining for work done in the classroom as a regular part of school instruction.

SEC. 4. The commission herein provided for shall fix the minimum time to be given to the teaching of agriculture, manual training, and home economics in the respective grades; furthermore, the commission shall have in mind, in preparing these regulations, the one-teacher school, the two and three-teacher school, the four and five-teacher school, and all other regularly organized graded schools as distinct types, for which this material is to be provided: *Provided*, that nothing in this act shall require more classes to be taught in any school than are now taught as required by the public school laws of the State of North Carolina: *Provided further*, that all boys shall be required to have books or bulletins and attend all recitations in agriculture and manual training, and that all girls shall be required to have books or bulletins and attend all recitations in home economics, when they are taking said courses: *Provided further*, that this shall not be construed to exclude boys from taking home economics or girls from taking agriculture and manual training, if they so desire.

SEC. 5. Schools operating in towns of a population of two thousand or more may be exempt from the provisions of this act, by permission granted such schools through their local boards of education or county board of education: *Provided*, that this commission shall prepare courses of study in home gardening, school gardening, manual training, and home economics suited to the needs of such schools.

SEC. 6. The board of education of any county in North Carolina may secure by donation, purchase, or condemnation proceedings, or through lease, one or not more than two acres of land adjacent to or near any school site, for the purpose of verifying and demonstrating the principles taught in the classroom under such rules and regulations as the commission may prescribe.

SEC. 7. The bulletins on agriculture, manual training, and home economics shall be published by the State Board of Education, as provided in this act, and printed by the State Printer as State printing, and shall be furnished to the teachers of the State without cost, and to the children at a price not to exceed the actual cost of printing and distributing. The bulletins to be fur-

nished and distributed through the regular depositories for the distribution of text-books, under such rules and regulations as to distribution and as to accounting for funds from the sale of same as the State Board of Education shall prescribe. The net proceeds from the sale of said bulletins shall be placed in the hands of the State Treasurer, to be credited on the cost of printing same.

SEC. 8. All teachers offering to teach any grade above the third in any rural school in North Carolina shall be required to pass an examination in the subjects of agriculture, manual training, and home economics, in so far as the teaching of these subjects applies to their respective grades, not later than twelve months after said bulletins, upon which the work in the respective grades is based, shall have been issued. Furthermore, the bulletins herein provided for shall be made a part of the course of study in summer schools for teachers, conducted at the various State institutions. Also, that the bulletins provided for herein shall be made a part of the teachers' reading circle and teachers' institute work of the State. In addition, each and every county superintendent in the State, together with the State Board of Examiners, is herewith empowered to require satisfactory evidence, by examination or otherwise, of the ability of every teacher, in every county, to teach the subject-matter contained in the bulletins herein provided for.

SEC. 9. That each and every public school in North Carolina shall teach agriculture, manual training, and home economics, as prescribed herein, unless exempted from the provisions of this act by meeting the requirements of section five.

SEC. 10. Each and every county superintendent of public instruction in North Carolina shall report to the State Superintendent of Public Instruction, within sixty days after the beginning of each school in his county, as to whether or not such courses as are herein provided for are being taught.

SEC. 11. That this act shall be in full force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

AN ACT TO PROVIDE FOR THE PHYSICAL EXAMINATION OF THE SCHOOL CHILDREN OF THE STATE AT REGULAR INTERVALS

[CHAPTER 244, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the State Board of Health and the State Superintendent of Public Instruction to prepare and distribute to the teachers in all of the public schools of North Carolina instructions and rules and regulations for the physical examination of pupils attending the public schools. The State Board of Health shall have these instructions, rules and regulations explained to the teachers in every county in the State by some competent physician.

SEC. 2. Upon receipt of such instructions, rules and regulations, and after they shall have been explained by a physician, it shall be the duty of every teacher in the public schools to make a physical examination of every child

attending the school and enter on cards furnished by the State Board of Health a record of such examination. The examination shall be made at the time directed by the State Board of Health and the State Superintendent of Public Instruction, but every child shall be examined at least once every three years. The State Board of Health and the State Superintendent of Public Instruction shall so arrange the work as to cover the entire State once in every three years.

SEC. 3. The teacher shall transmit the record cards made by him to a physician in the county designated by the county board of education, and if any teacher shall fail to make such examinations or transmit such records he may, upon complaint of the State Board of Health and the State Superintendent of Public Instruction, have his teacher's certificate revoked.

SEC. 4. The State Board of Health shall designate in each county of the State a physician to whom the record cards made out by the teacher shall be sent, provided that in counties having a whole-time health officer such officers shall be designated. Upon receipt of the record cards the physician shall carefully study the same and shall notify the parent or guardian of every child whose cards show a serious physical defect, as defined by the State Board of Health, to bring such child before him on some Saturday named by the physician between the hours of nine a. m. and five p. m. for the purpose of having said child thoroughly examined, and if upon receipt of such notice any parent or guardian shall fail or refuse to bring said child to the physician without good cause shown, he shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 5. The physician designated to make such examinations shall receive as compensation for his services the sum of sixty cents for each child examined, the same to be paid by the county commissioners of the county: *Provided*, that under no circumstances shall the total amount paid the physician for such examinations be more than seven dollars and fifty cents per hundred children enrolled in the public schools of the county; and *Provided further*, that whole-time county health officers shall receive no additional compensation for making such examinations.

SEC. 6. After such examination the physician shall notify the parent or guardian of each child of any defect discovered by him, and shall advise such parent or guardian of the treatment that ought to be given the child.

SEC. 7. The State Board of Health and the State Superintendent of Public Instruction are authorized to make arrangements with the physicians and dentists of each county to treat the school children found upon such examinations to have physical defects upon a reduced schedule of fees; if a satisfactory arrangement can be made, then the State Board of Health is authorized to pay twenty per cent of such reduced cost of treatment, provided the county commissioners will pay twenty per cent of such cost of treatment.

SEC. 8. For the purpose of aiding in the treatment of children found to be defective under the provisions of this act, a special appropriation of ten thousand dollars per annum, or so much thereof as may be necessary, is made to the State Board of Health. No part of this appropriation shall be used for any purpose other than aiding in the treatment of school children under the provisions of this act.

SEC. 9. This act shall be in effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

**AN ACT TO AMEND CHAPTER 55 OF THE PUBLIC LAWS OF 1915,
RELATIVE TO BOND ISSUES FOR SCHOOL BUILDINGS**

[CHAPTER 142, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-five of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding at the end of section one thereof the following: *Provided*, that upon petition of one-fourth of the resident freeholders in any county, township, or school district in which one election has previously been held and carried for a bond issue and tax under this act, a second election for increasing the bond issue and tax therefor, in said county, township, or school district for the purposes herein specified, not to exceed the maximum bond issue and tax herein fixed, shall be called and held in the manner herein prescribed for holding the first election.

SEC. 2. This act shall be in force and effect from and after its ratification. Ratified this the 5th day of March, A. D. 1917.

**AN ACT PROVIDING FOR THE NOMINATION AND ELECTION OF
COUNTY BOARDS OF EDUCATION**

[CHAPTER 74, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That in all counties wherein the county board of education has heretofore been appointed by the General Assembly under the provisions of section four thousand one hundred and nineteen of the Revisal of one thousand nine hundred and five, and acts amendatory thereof, there shall be nominated in the year one thousand nine hundred and eighteen, and biennially thereafter, at the party primaries or conventions, at the same time and in the same manner in which other county officers are nominated, a candidate or candidates, by each political party of the State, for member or members of the county board of education to take the place of the member or members of said board whose term next expires.

SEC. 2. That the names of the persons so nominated in such counties shall be duly certified by the chairman of the county board of elections, within ten days after their nomination is declared by said county board of elections, to the Secretary of State, who shall transmit the names of all persons so nominated by such county primaries or conventions, together with the name of the political party nominating them, to the next session of the General Assembly within ten days after it convenes. That in the event any candidate who shall have been nominated as herein provided for shall die, resign, or for any reason become ineligible or disqualified between the date of his nomination and the time for the election by the General Assembly of the member or members of the county board of education for the county of such candidate, the vacancy caused thereby may be filled by the action of the county executive committee of the political party of such candidate. It shall be the duty

of the General Assembly to elect one or more of the candidates so nominated as hereinbefore provided for, as a member or members of the county board of education for such county. The term of office of each member of said county board of education so elected by the General Assembly shall begin on the first Monday of April of the year in which he is elected, and shall continue for the term of six years or until his successor is elected and qualified.

SEC. 3. That all vacancies in the membership of the board of education in such counties by death, resignation, or otherwise shall be filled by the remaining members of said county board of education until the meeting of the next regular session of the General Assembly, and then for the residue of the unexpired term by that body. If the vacancy to be filled by the General Assembly in such cases shall have occurred before the primary or convention held in such county, then and in that event nominations for such vacancies shall be made in the manner hereinbefore set out, and such vacancy shall be filled from the candidates nominated to fill such vacancy by the party primaries or convention of such county: *Provided*, that all vacancies that are not filled by the remaining members of the board under the authority herein contained within sixty days from the occurrence of such vacancies, shall be filled by appointment by the Governor of the State.

SEC. 4. That the county board of elections, under the direction of the State Board of Elections, shall make all necessary provisions for such nominations as are herein provided for.

SEC. 5. That all laws and clauses of laws providing for the election of county superintendents of public instruction by the popular vote of the people of any county are hereby repealed; and all county superintendents of public instruction shall hereafter be elected by the county boards of education as prescribed in section four thousand and thirty-five of the Revisal of nineteen hundred and five.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1917.

AN ACT TO AMEND SECTION 4 OF CHAPTER 525, PUBLIC LAWS OF 1909 OF NORTH CAROLINA, BEING A PART OF THE PUBLIC SCHOOL LAW

[CHAPTER 188, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter five hundred and twenty-five, Public Laws of nineteen hundred and nine of North Carolina, be and the same are hereby amended by inserting in line nine thereof, after the word "section" and before the word "indorsed," the following words: "the same shall be," and after the word "education" and before the word "the," in line ten thereof, insert the word "and"; and in line thirteen thereof strike out the colon following the word "elections," preceding the first proviso, and

insert in lieu thereof a comma, and also insert the following words: "and it is hereby made the duty of the board of education to indorse said petition when presented containing the proper number of names of qualified voters, and this provision is made mandatory, and the board is allowed no discretion to refuse to indorse the same when so presented: *Provided further*, that the provisions of this act shall not apply when such school special-tax district is in debt in any sum whatever."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

AN ACT TO PROVIDE FOR THE LEVYING OF SPECIAL SCHOOL TAXES IN CITIES AND TOWNS, AND TO AMEND SECTION 4115, REVISAL OF 1905

[CHAPTER 102, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That when any graded, public, or high school district that includes any incorporated city or town, when the district is confined to incorporated cities or towns, the board of aldermen or other governing body of such city or town shall, upon the written petition of one-third of the qualified voters within such city or town, order an election; but where the said district includes also any part of the county not within an incorporated city or town, the board of county commissioners of the said county shall, upon written petition of one-third of the qualified voters within said district, order an election; the said election in each case to be held on the question of levying an additional special annual tax to the amount specified by said school trustees in their said petition for the maintenance of the said schools of the said district. Such election shall be ordered, advertised, and held in the same manner as is now or may be hereafter provided by law for municipal or general elections where the same is entirely within the corporate limits of the city or town; but where the said election is for a district that includes, in addition, any portion of the county not within the corporate limits of the city or town, then the said election shall be ordered, advertised, and held in the same manner as is now or may be hereafter provided by law for election of members of the General Assembly. At such election those who favor the levy and collection of said tax shall vote a ballot on which shall be written or printed the words "For special school tax," and those who are opposed shall vote a ballot on which shall be written or printed the words "Against special school tax." It shall be the duty of the governing authorities of the city or town where the election is held entirely within the corporate limits of the city or town, but it shall be the duty of the county commissioners where the district in which the election is held includes any part of the county not within the corporate limits of the city or town, to declare the result of said election. If a majority of the qualified voters at said election shall vote in favor of said tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All

money levied and collected under the provisions of this section shall be placed to the credit of the board of trustees of said schools, to be by them expended exclusively for the maintenance of the said schools within the tax district in which the said election is held.

SEC. 2. That all elections ordered under the provisions of this act shall be ordered and held within sixty days after the filing of the petition mentioned in section one of this act, with the board of commissioners or other governing body of said city, town or county, or with the clerk or secretary of such board or body; and if any such election shall be held prior to the first day of June of any year, the tax authorized by such election shall be levied and collected for the current year; but if such election shall be held after the first day of June of any year, the tax authorized by such election shall not be levied and collected until the following year.

SEC. 3. That the aggregate of all school taxes annually levied and collected under the provisions of this act, and of any other law, general or special, heretofore enacted (other than taxes levied and collected for the purpose of paying the interest or principal of public, graded, or high school bonds), shall not exceed one dollar on the hundred dollars worth of property.

SEC. 4. The board of trustees of the said schools of any incorporated city or town may, in their discretion, lease the school grounds within the corporate limits of the said city or town to the proper city or town authorities for use as a public or municipal park during such period of the year as the same are not used for school purposes; and all money derived therefrom shall be used and accounted for by said school trustees exclusively for the maintenance of the public, graded, or high schools of such city or town.

SEC. 5. That section four thousand one hundred and fifteen of the Revision of one thousand nine hundred and five, as amended by Acts one thousand nine hundred and three, chapter four hundred and thirty-five, section twenty-four; one thousand nine hundred and five, chapter five hundred and thirty-three, section fourteen; one thousand nine hundred and nine, chapter five hundred and twenty-five; one thousand nine hundred and eleven, chapter one hundred and thirty-five; Acts one thousand nine hundred and fifteen, chapter two hundred and thirty-five, be further amended by adding thereto the following: "*Provided further*, that when it shall be ascertained upon written petition of one-third of the qualified voters of the special-tax district, indorsed by the county board of education, that the special tax levied under this section shall be inadequate to maintain and support the school or schools of said special-tax district, then it shall be competent to hold an election in said district to increase the special tax levy upon real estate and polls to an amount not exceeding fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll; and such election shall be called and held in the same manner as the election for creating the special-tax district as in said section provided, but no such election shall be held oftener than once in two years."

SEC. 6. That elections under the provisions of this act shall be held not oftener than once a year.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1917.

**AN ACT TO IMPROVE THE SOCIAL AND EDUCATIONAL CONDITIONS
OF RURAL COMMUNITIES**

[CHAPTER 186, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. It shall be the duty of the State Superintendent of Public Instruction to provide for a series of rural entertainments, varying in number and cost and consisting of moving pictures selected for their entertaining and educational value, which entertainments may be given in the rural school houses of the State as herein provided.

SEC. 2. The cost of such entertainment shall be borne one-third by the State and two-thirds by the county board of education or the rural school community desiring said entertainment.

SEC. 3. It shall be the duty of the State Superintendent of Public Instruction to inform the various county boards of education of the number, character, and cost of the entertainments provided by him under the provisions of this act; and upon application of any county board of education, agreeing to pay two-thirds of the cost of any of said entertainments it shall be the duty of the State Superintendent of Public Instruction to provide for the giving of such entertainments in the rural school house or houses designated in said application. Any rural school community shall be entitled to the benefits of this act by depositing with its county board of education two-thirds of the cost of entertainments desired, and in all cases it shall be the duty of the county board of education receiving such deposits to make immediate application to the State Superintendent of Public Instruction as herein provided.

SEC. 4. The State Board of Health and the Commissioner of Agriculture are hereby authorized and directed to coöperate with the State Superintendent of Public Instruction in arranging for the entertainments provided for by this act to the end that said entertainment may, if it is deemed advisable, include the subjects of public health and agriculture.

SEC. 5. In order to carry out the provisions of this act the sum of twenty-five thousand dollars per annum is hereby appropriated out of the general funds of the State not otherwise appropriated, to be expended by the State Board of Education under the direction and supervision of the State Superintendent of Public Instruction.

SEC. 6. This act shall be in full force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

**AN ACT TO PERMIT HIGH SCHOOL PUPILS TO ATTEND THE PUBLIC
HIGH SCHOOLS OF ADJOINING COUNTIES**

[CHAPTER 211, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. The boards of education of any adjoining counties may permit pupils, upon such terms as they may deem just, of the adjoining county, entitled to attend the public high school of their own counties, to attend the

public high school of said adjoining county in all respects as if the school were located in their own county, when it shall appear that such permission may be made in justice to the schools and will be in the interest of convenience and economy.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

**AN ACT TO AMEND CHAPTER 33 OF THE PUBLIC LAWS OF 1913, AS
AMENDED BY CHAPTER 236 OF THE PUBLIC LAWS OF 1915, RE-
LATING TO THE APPORTIONMENT OF THE STATE EQUALIZING
FUND**

[CHAPTER 281, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen, as amended by chapter two hundred and thirty-six of the Public Laws of one thousand nine hundred and fifteen, be and the same is hereby amended as follows:

(a) Strike out all of section four and insert in lieu thereof the following:

"SEC. 4. On or before the first Monday in December of each and every year the county board of education of each and every county entitled to aid from this fund shall submit to the State Board of Education, on blanks furnished for that purpose by the State Superintendent of Public Instruction, a sworn itemized statement by districts, showing the number of teachers employed in each district, the grade or class and the salary of each teacher, and such other information as may be required. Said statement shall further show under oath that provision has been made as required by law for a four months school term in each district of said county, the rate of special tax levied therefor, and the aggregate fund derived or to be derived therefrom. On or before the first Monday in February of each year the State Treasurer shall certify to the State Board of Education the amount of said State equalizing school fund derived and to be derived from said five cents property tax levied and set aside from the State tax levy on every hundred dollars value of real and personal property in the State during the school year ending June thirtieth thereafter, and the State Board of Education shall apportion said fund among all the counties of the State that have complied with all the requirements of this act, as follows: It shall first apportion to each county whose funds are insufficient, after having levied the maximum tax required under this act, to provide a four months term in every school district, a sufficient sum to bring the term in each school district in said county to four months. It shall then apportion the remainder of said equalizing fund among all the counties of the State that have complied with all the provisions of this act, so as to provide for the payment of the salaries of all teachers in each county for an equal number of days. The salaries apportioned from said fund for teachers shall not exceed forty dollars per month for first grade, thirty dollars per month for second grade, and twenty dollars per month for third grade, and shall in no event exceed the salaries actually paid from the county fund, if less than these amounts. The State Board of

Education shall apportion this fund only for the salaries of teachers employed, and no part of said fund shall be apportioned or used for any other purpose than for the payment of the salaries of the said teachers for the period designated by the State Board of Education in the apportionment to each county, and each county receiving an apportionment from this fund shall maintain, in addition to the term provided by the county funds, an extended term of not less than the number of days for which the apportionment from this fund is made and designated by the State Board of Education."

(b) Amend section six by striking out all of that part of said section following the word "teachers" in line eight thereof, and inserting in lieu thereof the following: "sufficient to bring the term in every district to four months, and shall then be entitled to participate with the other counties of the State in the apportionment of the remainder of said fund under the provisions of this act."

SEC. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

**AN ACT AMENDATORY TO CHAPTER 88 OF THE PUBLIC LAWS OF
1913, WITH REFERENCE TO TAX LEVY PROVIDING FOR SIX
MONTHS SCHOOL TERM**

[CHAPTER 109, PUBLIC LAWS 1917.]

Whereas the several counties of the State were given authority by chapter eighty-eight of the Public Laws of one thousand nine hundred and thirteen to increase their tax levy for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, to the extent that the State tax levy was increased in the year one thousand nine hundred and thirteen, to provide for a six months public school term; and whereas a number of counties of the State find it necessary to continue the levy of an increased tax for county purposes to the extent that the State tax levy was increased in one thousand nine hundred and thirteen to provide for the six months public school term: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-eight of the Public Laws of one thousand nine hundred and thirteen be amended by inserting after the word "August," in line four of said section, the words, "and annually thereafter."

SEC. 2. That any tax levy made by the board of commissioners of any county in the State for the years one thousand nine hundred and fifteen and one thousand nine hundred and sixteen, not in excess of that authorized by chapter eighty-eight of the Public Laws of one thousand nine hundred and thirteen for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, be and the same is hereby ratified and confirmed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1917.

AN ACT TO AMEND CHAPTER 81 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF 1915, AUTHORIZING GOVERNING BODIES OF TOWNS AND CITIES TO ISSUE, UPON APPROVAL BY A VOTE OF THE PEOPLE, BONDS FOR PURCHASING SITES, ERECTING BUILDINGS, ETC., FOR SCHOOL PURPOSES

[CHAPTER 130, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter eighty-one, Public Laws of one thousand nine hundred and fifteen, be amended as follows:

(a) By inserting after the word "property" and before the word "in," in line four of said section, the following words: "and polls, observing the constitutional ratio."

(b) By inserting after the word "property" and before the word "in," in line eight of said section, the following words: "and polls, observing the constitutional ratio."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this 5th day of March, A. D. 1917.

AN ACT TO PROVIDE FOR THE ENLARGEMENT OF GRADED SCHOOL DISTRICTS IN INCORPORATED TOWNS

[CHAPTER 104, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That any graded school district in an incorporated city or town may be enlarged so as to include territory situate outside of and contiguous to the corporate limits of such city or town in the manner hereinafter provided.

SEC. 2. That upon the written petition of a majority of the members of the school committee or board of trustees of such graded school district, which petition shall describe the boundaries of the territory to be taken in and included, and which shall be indorsed by the county board of education, the board of county commissioners shall order an election to be held in the new territory to be so included.

SEC. 3. That the election so ordered shall be held in the manner and form provided by law for elections for the establishment of special school tax districts.

SEC. 4. That in case a majority of the qualified voters in the new territory shall vote at such election in favor of a special tax of the same rate as that authorized and collected in the graded school district to which the said territory is contiguous, then the said territory shall be added to and become

a part of the said graded school district; and in case a majority shall vote against said tax, the district shall not be so enlarged.

SEC. 5. That upon the enlargement of such graded school district as provided by this act, there shall be levied and collected annually in the new territory a special tax, which tax shall not exceed that levied and collected in the original graded school district, and the said special tax in the new territory shall be levied and collected by the county authorities in the manner provided for the collection of other taxes.

SEC. 6. That upon the collection of such tax the same shall be placed to the credit of the committee or trustees of the said graded school district so enlarged.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1917.

AN ACT TO PROVIDE FOR THE INCORPORATION OF RURAL COMMUNITIES

[CHAPTER 128, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That the people of any community in North Carolina, upon petition signed by a majority of the registered voters of such community, embracing in area one or more contiguous school districts, may be incorporated upon the provisions of this act, the title of such corporate body being "The Community of.....County (or counties)," the name of community and county (or counties) to be supplied in the petition for incorporation.

SEC. 2. The petition for incorporation shall be addressed to the Secretary of State in his office in Raleigh, who, if such petition is in due form, shall then issue the certificate of incorporation without charge therefor.

SEC. 3. The registered voters of each community incorporated under the provisions of this act shall hold a public community meeting on the first Saturday in January of each year, or on such other day as may be specified in the petition for incorporation. The place of such meeting shall also be designated in the petition of incorporation, but may be changed at any annual meeting, to take effect at the following annual meeting, notice of such change to be posted in six public places in such community. At such annual community meeting the voters may adjourn to meet at some other specified date, and other meetings may be held upon petition signed by 10 per cent of the registered voters of the community, provided notice of such meeting is posted at six public places in such community at least two weeks prior to such meeting. Questions involving the levy of any tax, however, shall be decided only at the regular annual community meeting.

SEC. 4. At each annual community meeting, as provided in section 3 of this act, the voters shall elect three persons, to be known as the "Board of

Directors of.....Community," one of whom shall be designated as chairman and another as secretary-treasurer, each performing the duties suggested by his title.

SEC. 5. The board of directors of each community shall be charged with the duty of enforcing and executing such ordinances as the community may adopt, and performing such other functions, not inconsistent with the laws of North Carolina or the United States, as the community meetings may direct. The annual compensation, if any, of such board of directors, or any member thereof, shall be fixed at each annual meeting in like manner as taxes are levied.

SEC. 6. At each public meeting of the registered voters of a community they shall have the right to adopt, amend, or repeal ordinances, provided such action is not inconsistent with the laws of North Carolina or the United States, concerning the following subjects: the public roads of the community; the public schools of the community; regulations intended to promote the public health; police protection; the abatement of nuisances; the care of paupers, aged or infirm persons; to encourage the coming of new settlers; the regulation of vagrancy; aids to the enforcement of State and National laws; the collection of community taxes; the establishment and support of public libraries, parks, halls, playgrounds, fairs, and other agencies of recreation, education, health, music, art and morals.

SEC. 7. That for the promotion of any of the objects mentioned in section 6 of this act the registered voters of any incorporated community, in annual community meeting assembled, shall have the right to levy taxes upon the property of the community, within limits hereinafter set forth, either for specific purposes or for the general use of the community, upon a method of tax division among varying objects as agreed upon by such annual community meeting: *Provided*, that the aggregate taxes levied for such community purposes shall not exceed five mills annually on each dollar of taxable property.

SEC. 8. No community meeting may levy a tax unless a majority of the registered voters of the community are present at such meeting, and vote by ballot for such tax; but if at any annual community meeting the majority of the voters present desire it, whatever their number, they may submit the question of levying such a tax to the qualified voters of the community at an election to be held not earlier than thirty (30) days subsequently to such meeting. If the community meeting shall desire to submit separately the question of tax levy for different purposes, it shall mention a name of not more than six words by which each such tax shall be distinguished, as, for example, road tax; public library tax; or such community meeting may submit the question of a tax levy for various purposes under the title, "For Community Tax." At the election herein provided for, each voter may deposit a ballot marked "For..... Tax" or "Against..... Tax"; and if a majority of the votes cast at such election shall be for said tax, then the proposed tax levy shall be enforced, and the tax collected at the same time and in the same manner as State and county taxes; or such incorporated community through its mass-meeting or board of directors may name a collector of community taxes and fix his compensation, requiring both tax collector and treasurer to give bonds for appropriate amounts.

SEC. 9. The Bureau of Community Service, now directed by the State Departments of Education, Agriculture, and Health, the State College of Agriculture and Mechanic Arts, and other agencies, is hereby charged with the duty of securing from the communities of the State incorporated under this act, reports as to what each community is doing for the promotion of the purposes mentioned in section 6 of this act; and the aforesaid Bureau of Community Service shall furnish the officers of such incorporated communities forms for keeping records, accounts, etc., and for making reports. Said Bureau shall also provide forms and instructions to citizens of the State desiring to petition for incorporation under the provisions of this act, and shall publish annually a summary of the work accomplished by incorporated communities. The members of the board of directors of such incorporated communities are required to render such reports to the Bureau of Community Service, and to post copies of same, together with an itemized statement of receipts, disbursements, and balances for the year, in six public places in the community, under the penalty, upon conviction, of a fine of \$25 each, to be paid into the public school fund of the community: *Provided*, that all printing required under this act shall be paid for by the State Department of Education.

SEC. 10. Said board of directors may adopt standards for the production and marketing of produce, canned vegetables, etc., and may adopt labels, trade names, and brands for the same, and regulate their use, requiring the inhabitants of said community to comply with the standards set and adopted by the directors before they can use the brand, trade name, or labels, for said community; and said board of directors may adopt such regulations as may be necessary to protect said brands, trade names, etc.; may have an inspection of the goods sold thereunder, and may take any and all necessary steps looking to a system of community standard production, and of coöperative marketing.

SEC. 11. Any magistrate residing within the boundaries of a community incorporated under this act shall have power to hear and try all cases arising from violation of ordinances adopted by such community: *Provided*, that if there is no magistrate residing within the boundaries of the community, the community shall at each annual meeting nominate some suitable person living within its confines who shall be appointed community magistrate by the Governor of the State, with all the power of a magistrate within the bounds of said community.

SEC. 12. That each person charged with the duty of registering voters in an election precinct embraced in whole or in part in any incorporated community shall furnish the chairman of the board of directors of such incorporated community a complete list of the registered voters in his precinct at the preceding State election, and from such list the board of directors shall compile an official list of registered voters residing in the community, for use in connection with the enforcement of this act, such registrar receiving one-half cent for each such name so furnished, to be paid for by the community.

SEC. 13. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

**AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS
AND THE COUNTY BOARD OF EDUCATION OF ANY COUNTY TO
CO-OPERATE WITH THE TRUSTEES OF ANY PUBLIC LIBRARY IN
ANY CITY OR TOWN IN EXTENDING THE SERVICE OF SUCH
LIBRARY TO RURAL COMMUNITIES**

[CHAPTER 149, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners and the county board of education of any county in which there is a public city or town library, are hereby authorized and empowered, in their discretion, to coöperate with the trustees of said library in extending the service of such library to the rural communities of the county, and to appropriate out of the funds under their control an amount sufficient to pay the expense of such library extension service.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

**AN ACT TO ACCEPT THE PROVISIONS OF THE SMITH-HUGHES
VOCATIONAL EDUCATION BILL**

[CHAPTER 95, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That legislative assent be and the same is hereby given to the purposes of a bill now pending in the National Congress, known as the Smith-Hughes Vocational Education Bill, entitled "An act to provide for the promotion of vocational education; to provide for coöperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for coöperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure," and that the money appropriated by this act, known as the "Smith-Hughes Act," be and the same is hereby accepted on the part of the State, for the benefit of the State, in accordance with the provisions of the said act.

SEC. 2. That in accordance with the further provisions of said act, a State Board of Vocational Education be herewith duly created, said board to consist of the State Superintendent of Public Instruction, the President of the North Carolina College of Agriculture and Mechanic Arts, and the director of the Agricultural Extension Service of the State, said board to administer the funds accruing to the State, under the provisions of said act, in actual accordance with the provisions of said act.

SEC. 3. That this act shall be in force from and after its ratification, and that all acts and parts of acts in contradiction of this act be and the same are herewith repealed.

Ratified this the 1st day of March, A. D. 1917.

AN ACT TO VEST IN THE STATE BOARD OF EDUCATION LANDS WHICH HAVE BEEN SOLD FOR TAXES AND THE TITLE THERETO ACQUIRED BY THE STATE

[CHAPTER 209, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. All lands which have been sold for taxes, and by reason thereof the title thereto acquired by the State, are hereby vested in the State Board of Education.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

AN ACT TO MAKE THE STATE TREASURER CUSTODIAN OF THE STATE'S SHARE OF THE SMITH-HUGHES CONGRESSIONAL VOCATIONAL EDUCATION FUND

[CHAPTER 270, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That the State Treasurer is hereby designated the custodian for the State's share of the apportionment of the Smith-Hughes Congressional Vocational Education Fund, and he is hereby authorized to receive and provide for the proper custody and disbursement of all money paid to the State from said appropriation.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

AN ACT TO AMEND CHAPTER 141, EXTRA SESSION OF 1908, IN REGARD TO COMPULSORY EDUCATION OF THE BLIND

[CHAPTER 254, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 141, pertaining to the compulsory education of the blind, be so amended that after section "five" (5) the following be inserted: "The sheriffs of the various counties of the State of North Carolina shall be required to enforce the provisions of this act in all cases of blind children reported to them by the superintendent of the said State School for the Blind and the Deaf; that said sheriffs shall have authority to reimburse themselves for such services and expenses as are entailed upon them in executing the provisions of this act." And further, in order to aid the superintendent of the said School for the Blind and the Deaf in securing the attendance of blind children upon the said school, that the various railroads operating in the State of North Carolina may grant him transportation without charge.

SEC. 2. That this paragraph shall, be numbered section six (6) in said chapter one hundred and forty-one, and section six (6) of the said chapter shall be numbered seven (7).

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

AN ACT TO ENABLE THE STATE BOARD OF EDUCATION TO PROTECT ITS INTEREST IN LANDS SOLD FOR TAXES OR OTHERWISE

[CHAPTER 246, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any lands in which the State Board of Education, has an interest, either by way of mortgage or otherwise, are advertised to be sold for any taxes, special assessment, or under any lien, the State Board of Education is authorized, if in its judgment it is necessary to protect the interest of the State Board, to appear at any sale of such lands and to buy the same as any other person would, and, for the purpose of paying therefor, use any funds which the State Board of Education may have on hand, or, if necessary, borrow the money with which to make such purchase and to execute its note or notes therefor, and may use any funds coming to the State Board of Education from the sale of any property or otherwise pay such note or notes.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

AN ACT TO AMEND SECTION 4048 OF THE REVISAL OF 1905 OF NORTH CAROLINA

[CHAPTER 287, PUBLIC LAWS 1917.]

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand and forty-eight of the Revisal of one thousand nine hundred and five of North Carolina be amended as follows, to wit: Strike out the period at the end of said section and insert in lieu thereof a colon, and add to said section the following: "and that no statute of limitation shall be a bar to the State Board of Education or of its assigns in the trial of any action in any court of competent jurisdiction against any person, firm, or corporation for damages for timber heretofore or hereafter cut and removed from lands owned by the board of education, or for any other acts of trespass committed on said lands."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

THE PUBLIC SCHOOL LAW

The following is the Public School Law of one thousand nine hundred and five, as amended by the General Assembly of one thousand nine hundred and seven, one thousand nine hundred and nine, one thousand nine hundred and eleven, one thousand nine hundred and thirteen, one thousand nine hundred and fifteen, and one thousand nine hundred and seventeen. Each division of the law is preceded by a succinct summary and contains explanatory notes, the whole being followed by decisions bearing on its interpretation.

1. APPLICATION OF CHAPTER

4029. THIS CHAPTER NOT APPLICABLE TO CERTAIN SCHOOLS; SUCH SCHOOLS REGULATED. The provisions of this chapter shall not apply to any township, city or town now levying a special tax for schools and operating under special laws or charters, or to schools operating under section forty-seven, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine. School districts in any city or town now operating under section forty-seven, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine, are hereby continued, and all vacancies in the school committees therein shall be filled by the county board of education. If such districts comprise a township, there shall not be appointed township school committeemen for such township, and all apportionments shall be made directly to the committee of such districts. The superintendent and treasurer of all such schools receiving any part of the public school fund shall be required to make to the State Superintendent and the county superintendent such reports as these officers shall demand and as are made by other public schools to them, and shall be under the general supervision of the State Superintendent of Public Instruction.

1901, c. 4, s. 73; 1903, c. 435, s. 25.

[This section requires the proper officers of town and city schools to make reports to the State Superintendent.]

II. THE STATE BOARD OF EDUCATION

Summary.—THE STATE BOARD CONSISTS OF THE GOVERNOR, THE LIEUTENANT-GOVERNOR, THE SECRETARY OF STATE, THE TREASURER, THE AUDITOR, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND THE ATTORNEY-GENERAL; HAS CORPORATE POWERS; THE GOVERNOR IS PRESIDENT, THE STATE SUPERINTENDENT IS SECRETARY; IT MUST KEEP A RECORD OF ITS PROCEEDINGS, AND SUCCEEDS TO ALL THE POWERS OF "THE PRESIDENT AND DIRECTORS OF THE LITERARY FUND." THIS BOARD MAY MAKE RULES FOR THE GOVERNMENT AND REGULATION OF THE PUBLIC SCHOOLS AND HAS VESTED IN IT THE PROPERTY AND MANAGEMENT OF THE LITERARY FUND OF THE STATE.*

*The State Board of Education, in addition to the above, has control of the Colored Normal Schools (Rev. 1905, 4180-4186), and is the Text-book Commission (Rev. 1905, 4057-4084). The State Board also elects directors of State Normal and Industrial College (Rev. 1905, 4252). The trustees of the East Carolina Training School are also elected by this board (Laws 1907).

4030. INCORPORATED. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General shall constitute the State Board of Education, and by the name, the State Board of Education, are created a corporation, and by that name may sue and be sued; may have a common seal; may acquire, receive and hold real, personal and mixed property, by purchase, gift, devise or otherwise, and may sell, dispose of and convey the same; and may contract and be contracted with, for the purposes provided in this chapter and for such other purposes as may be prescribed by law, and to that end may make such by-laws for its government and the exercise of its powers, and alter the same from time to time in its discretion as shall not be in conflict with the laws of the State and of the United States; and shall be vested with all other powers conferred upon corporations under the general law relating to corporations.

Const., Art. IX, ss. 8, 9, 10; Code, s. 2503; 1881, c. 200; 1903, c. 567, s. 7.

4031. OFFICERS; QUORUM; MEETINGS; EXPENSES. Of the board, the Governor shall be president, the Superintendent of Public Instruction shall be secretary, and the Treasurer of the State shall be treasurer, and a majority of the board shall constitute a quorum for the transaction of business. The board shall hold its meetings in the Executive office, and shall meet at such times as a majority of the members may appoint; but the Governor may call a meeting at any time. The contingent expenses of the board shall be provided for by the General Assembly.

Const., Art. IX, ss. 9, 12, 13; Code, s. 2504; 1881, c. 200, s. 2.

4032. PROCEEDINGS RECORDED. All the proceedings of the board shall be recorded in a well-bound and suitable book, which shall be kept in the office of the Superintendent of Public Instruction.

Code, s. 2505; 1881, c. 200, s. 3.

4033. SUCCEEDS TO POWERS AND PROPERTY, ETC., OF LITERARY FUND. The State Board of Education shall succeed to all the powers and trusts of the "president and directors of the literary fund of North Carolina," and shall have full power to legislate and make all needful rules and regulations for the government of the public schools and for the management of the State educational fund; but all such acts, rules, and regulations of the board may be altered, amended, or repealed by the General Assembly, and when so altered, amended or repealed shall not be reenacted by the board; and the board shall succeed to and have all the property, powers, rights, privileges and advantages which in any wise belonged or appertained to the "president and directors of the literary fund of North Carolina," and may, in its own name, assert, use, apply and enforce the same.

Const., Art. IX, s. 10; Code, s. 2506; 1881, c. 200, s. 4; R. C., c. 66; R. S., cc. 66, 67.

4034. ACCOUNTS KEPT; REPORTS MADE. The State Treasurer shall keep a fair and regular account of all the receipts and disbursements of the State literary fund, and shall report the same to the General Assembly at the same time when he makes his biennial account of the ordinary revenue; and the State Board of Education shall report to the General Assembly the manner in which the fund has been applied or invested, with such recommendations for the improvement of the same as to it shall seem expedient.

Code, s. 2507; R. C., c. 66, s. 4; 1825, c. 1268, s. 2; 1903, c. 567, s. 1.

4035. HOW FUNDS INVESTED. The State Board of Education is authorized to invest in North Carolina four per cent bonds or in other safe interest-

bearing securities, the interest on which shall be used as may be directed from time to time by the General Assembly for school purposes.

1891, c. 369.

NOTE.—Sections 4036-4052 concern swamp lands.

III. LOANS FOR BUILDING SCHOOLHOUSES

Summary.—THE STATE BOARD MAY MAKE LOANS FROM THE LITERARY FUND TO THE COUNTY BOARD FOR BUILDING SCHOOLHOUSES, ANY SUCH LOAN TO BE RE-LOANED BY THE COUNTY BOARD TO THE SCHOOL DISTRICT. SUCH LOANS BEAR 4 PER CENT INTEREST AND ARE A LIEN ON ALL THE COUNTY SCHOOL FUNDS, AND MUST BE REPAID IN TEN EQUAL INSTALLMENTS. ALL LOANS ARE MADE UNDER SUCH RULES AND REGULATIONS AS THE STATE BOARD MAY ADOPT.*

4053. MADE BY STATE BOARD. The State Board of Education, under such rules and regulations as it may deem advisable, not inconsistent with the provisions of this chapter, may make loans from the State Literary fund to the county board of education of any county for the building and improving of public schoolhouses, or dormitories for rural high schools and county farm-life schools, in such county; but no warrant for the expenditure of any money for such purposes shall be issued by the Auditor except upon the order of the State Superintendent of Public Instruction, with the approval of the State Board of Education.

1903, c. 567, ss. 1, 2, 8; 1913, c. 149.

4054. TERMS OF. Loans made under the provisions of this chapter shall be payable in ten installments, shall bear interest at four per centum, payable annually, and shall be evidenced by the note of the county board of education, executed by the chairman and secretary thereof, and deposited with the State Treasurer. The first installments of such loan, together with the interest on the whole amount then due, shall be paid by the county board on the tenth day of February after the tenth day of August subsequently to the making of such loan, and the remaining installments, together with the interest, shall be paid, one each year, on the tenth day of February of each subsequent year, till all shall have been paid.

1903, c. 567, s. 3.

4055. HOW SECURED AND PAID. At the January meeting of the county board of education, before any installment shall be due on the next tenth day of February, the county board shall set apart out of the school funds an amount sufficient to pay such installment and interest to be due, and shall issue its order upon the treasurer of the county school fund therefor, who, prior to the tenth day of February, shall pay over to the State Treasurer the amount then due. And any amount loaned under the provisions of this law shall be a lien upon the total school funds of such county, in whatsoever hands such fund may be; and upon failure to pay any installment or interest, or part of either, when due, the State Treasurer may deduct a sufficient amount for the payment of the same out of any fund due any county from any special State appropriation for public schools, or he may bring action against the county board of education of such county, any person in whose possession may be any part of the school funds of the county, and the tax collector of such county; and if the amount of school fund then on hand be insufficient to pay in full the sum so due, then the State Treasurer shall be entitled to an order directing the tax collector of such county to pay over to

*The State Superintendent, on application, will furnish the rules regulating this subject.

the State Treasurer all moneys collected for school purposes until such debt and interest shall have been paid.

1903, c. 567, s. 4.

4056. LOANS BY COUNTY BOARDS TO SCHOOL DISTRICTS. The county board of education, from any sum borrowed under the provisions of this chapter, may make loans to any district in such county for the purpose of building school-houses in such district, and the amount so loaned to any district shall be payable in ten annual installments, with interest thereon at four per centum, payable annually. At the January meeting of such county board it shall deduct from the apportionment made to any district which has borrowed under the provisions of this chapter, the installment and interest then due, and shall continue to deduct such amount at each annual January meeting until the whole amount shall have been paid, together with interest.

1903, c. 567, s. 5.

[Under this section the county board of education may make an additional apportionment out of its building fund to assist a district to repay its annual interest and installment on its loan.]

NOTE.—Sections 4057-4084 concern the Text-book Commission.

IV. THE SCHOOL SYSTEM AND THE COURSE OF STUDY

Summary.—THE SYSTEM OF PUBLIC EDUCATION MUST BE UNIFORM AND FREE TO ALL CHILDREN BETWEEN THE AGES OF SIX AND TWENTY-ONE YEARS. SEPARATE SCHOOLS MUST BE PROVIDED FOR WHITE, COLORED AND INDIAN CHILDREN, WITHOUT RACE DISCRIMINATION. THE COURSE OF STUDY MUST INCLUDE SPELLING, READING, WRITING, ARITHMETIC, DRAWING, LANGUAGE LESSONS AND COMPOSITION, ENGLISH GRAMMAR, GEOGRAPHY, HISTORY OF NORTH CAROLINA AND THE UNITED STATES, AND ELEMENTS OF CIVIL GOVERNMENT, CONTAINING THE CONSTITUTION OF NORTH CAROLINA AND OF THE UNITED STATES, AND TEXT-BOOK INSTRUCTION IN PHYSIOLOGY AND HYGIENE. OTHER SUBJECTS MAY BE TAUGHT IN ELEMENTARY SCHOOLS WHEN PRESCRIBED BY THE STATE BOARD OF EDUCATION. THE STATE SUPERINTENDENT PRESCRIBES THE COURSE OF STUDY FOR HIGH SCHOOLS UNDER THE LAWS OF 1907. ALL SCHOOL OFFICIALS ARE REQUIRED TO TAKE OATH FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES.

4085. UNIFORM SYSTEM; COMPULSORY ATTENDANCE. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right; and religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The General Assembly shall provide, by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all children of the State between the ages of six and twenty-one years; and the General Assembly is empowered to enact that every child of sufficient mental and physical ability shall attend the public schools, during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

Const., Art. I, s. 27; Art. IX, ss. 1, 2, 15.

4086. SEPARATE SCHOOLS FOR RACES; NO DISCRIMINATION AGAINST EITHER RACE. The children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of or to the prejudice of either race. All white children shall be taught in the public schools provided for the white race, and all colored

children shall be taught in the public schools provided for the colored race; but no child with negro blood, or what is generally known as Croatan Indian blood, in his veins, however, remote the strain, shall attend a school for the white race, and no such child shall be considered a white child. The descendants of the Croatan Indians now living in Robeson and Richmond counties shall have separate schools for their children, as hereinafter provided in this chapter.

Const., Art. IX, s. 2; 1901, c. 4, s. 68; 1903, c. 435, s. 22; 1915, c. 236.

[It is the duty of the county boards of education to provide separate school facilities for the Cherokee Indian children residing in the western part of this State, when not otherwise provided for.]

4087. WHAT TAUGHT. The branches to be taught in all the public schools shall be spelling, reading, writing, arithmetic, drawing, language lessons, and composition, English grammar, geography, the history of North Carolina and the United States, and elements of civil government containing the Constitution of North Carolina and of the United States, elements of agriculture, and oral and text-book instruction in elementary physiology and hygiene, including the nature and effect of alcoholic drinks and narcotics: *Provided*, that in public schools employing more than one teacher the elements of civil government, physiology, and hygiene, including the nature and effect of alcoholic drinks and narcotics and such other subjects of study as the State Board of Education may direct, shall be taught, after adequate provision shall have first been made for the thorough teaching of the branches before named.

1905, c. 533, s. 9; 1901, c. 4, s. 37.

[High school branches can not be taught in schools having only one teacher, and may be taught in schools having more than one teacher only after adequate provision has first been made for the thorough teaching of the elementary branches mentioned in this section.]

4088. OATH OF OFFICE TAKEN BY OFFICIALS. The members of the county board of education, the school committeemen and the county superintendent of public instruction shall, before entering upon the duties of office, take oath for the faithful performance thereof.

1901, c. 4, s. 45.

V. THE GENERAL POWERS AND DUTIES OF THE STATE SUPERINTENDENT

Summary.—THE SUPERINTENDENT IS REQUIRED TO PUBLISH THE SCHOOL LAW, MAKE A BIENNIAL REPORT TO THE GOVERNOR, KEEP HIS OFFICE AT THE CAPITAL, AND SIGN ALL ORDERS FOR MONEY PAID OUT OF STATE TREASURY FOR EDUCATIONAL PURPOSES. HE HAS GENERAL DIRECTION OF THE SCHOOL SYSTEM AND THE ENFORCEMENT OF THE SCHOOL LAW, ALL SCHOOL OFFICERS BEING REQUIRED TO OBEY HIS INSTRUCTIONS AND HIS INTERPRETATION OF THE LAW. HE IS REQUIRED TO BE ACQUAINTED WITH THE EDUCATIONAL CONDITION OF ALL SECTIONS OF THE STATE, AND HE MUST ALSO KEEP IN TOUCH WITH THE EDUCATIONAL PROGRESS OF OTHER STATES.*

*In addition to these general duties, the State Superintendent has the following duties: Secretary Text-book Commission, Rev. 1905, 4057; trustee of State Library, Rev. 1905, 5069; president board of directors State Normal and Industrial College, Rev. 1905, 4252; chairman of trustees of East Carolina Training School, Laws 1907; chairman State Board of Examiners and Institute Conductors, Laws 1917; prescribes course of study for public high schools, Laws 1907; makes rules and regulations for rural libraries, Rev. 1905; member board of trustees of Appalachian Training School, Laws 1907; chairman *ex officio* board of trustees of the Caswell Training School, Laws 1911; chairman *ex officio* board of trustees of Cullowhee Normal and Industrial School, Laws 1913; member of board of trustees of the University of North Carolina, Laws 1909, c. 432; member State Board of Vocational Education, Laws 1917; member of Library Commission.

4089. SHALL EQUIP OFFICE, PRINT AND CIRCULATE SCHOOL LAW, SUPERINTEND PUBLIC SCHOOLS. The Superintendent of Public Instruction of North Carolina shall have the school laws published in pamphlet form and distributed on or before the first day of May of each year. He shall send to each officer a circular letter enumerating his duties as prescribed in this chapter. He shall have printed all the forms necessary and proper for the purposes of this chapter, and he is hereby authorized to have printed as other public printing and distributed such educational bulletins as he shall deem necessary for the professional improvement of teachers and for the cultivation of public sentiment for public education, and shall look after the school interests of the State, and report biennially to the Governor, at least five days previous to each regular session of the General Assembly, which report shall give information and statistics of the public schools and recommend such improvements in the school law as may occur to him. He shall keep his office at the seat of government, and shall sign all requisitions on the Auditor for the payment of money out of the State Treasury for school purposes. Copies of his acts and decisions and of all papers kept in his office and authenticated by his signature and official seal shall be of the same force and validity as the original. He shall be furnished with such room, fuel, and stationery as shall be necessary for the efficient discharge of the duties of his office.

1900, c. 525.

4090. SHALL CONSTRUE AND ENFORCE LAW; ASCERTAIN BEST SCHOOL METHODS. He shall direct the operations of the system of public schools and enforce the laws and regulations in relation thereto. The county board of education and all other school officers in the several counties shall obey the instructions of the State Superintendent and accept his constructions of the school law. It shall be his duty to correspond with leading educators in other States and to investigate systems of public schools established in other States, and, as far as practicable, render the results of educational efforts and experiences available for the information and aid of the Legislature and State Board of Education.

1901, c. 4, s. 8; 1903, c. 435, s. 1.

4091. SHALL COUNSEL COUNTY BOARDS; HOLD INSTITUTES, ETC. It shall be his duty to acquaint himself with the peculiar educational wants of the several sections of the State, and he shall take all proper means to supply such wants, by counseling with county boards of education and county superintendents, by lectures before teachers' institutes and by addresses to public assemblies on subjects relating to public schools and public school work.

1901, c. 4, s. 9.

4092. DUTIES AS TO LOAN FUND. He shall go to any county when necessary for the due execution of the law creating a permanent loan fund for the erection of public schoolhouses. He shall include in his annual reports a full showing of everything done under the provisions of the law creating the permanent loan fund for the erection of public school buildings.

1903, c. 751, ss. 11, 12.

VI. SCHOOL FUNDS PROVIDED BY THE STATE

Summary.—1. THE INCOME OF THE PERMANENT SCHOOL FUND, OR LITERARY FUND, CONSISTS OF THE PROCEEDS OF THE FOLLOWING: (a) LAND GRANTS FROM UNITED STATES; (b) MONEYS, STOCKS, BONDS; (c) SALES OF SWAMP LANDS; (d) GRANTS, GIFTS, OR DEVISES. ALL THESE SOURCES OF INCOME ARE AT PRESENT

UNPRODUCTIVE EXCEPT (c). THE STATE BOARD OF EDUCATION NOW USES THE LITERARY FUND TO AID IN BUILDING SCHOOLHOUSES, WHICH MAKES INOPERATIVE SECTIONS 4094-4096 BELOW. SEE SECTIONS 4053-56.

2. ANNUAL APPROPRIATION OF \$250,000. (SEE SECTION 1, STATE EQUALIZING SCHOOL FUND LAW.) EQUALIZING FUND. HIGH SCHOOL APPROPRIATION. FARM-LIFE SCHOOL APPROPRIATION.

4093. SPECIAL PERMANENT FUND. The proceeds of all lands that have been or may hereafter be granted by the United States to this State and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds and any other property now belonging to any State fund for the purposes of education; also the net proceeds of sales of swamp lands belonging to the State, and all other grants, gifts, or devises that have been made or hereafter may be made to this State and not otherwise appropriated by this State or, by the terms of the grant, gift, or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be set apart for that purpose, shall be faithfully appropriated for establishing and maintaining a system of free public schools, as established in pursuance of the Constitution, and for no other purpose whatsoever. And all funds of the State heretofore derived from the sources enumerated in section four, article nine of the State Constitution, and all funds that may be hereafter so derived, together with any interest that may accrue thereon, shall be a fund separate and distinct from the other funds of the State, to be known as the State literary fund.

Const., Art. IX, s. 4; 1901, c. 4, s. 4; 1903, c. 567, s. 1.

4094. APPORTIONMENT OF INCOME OF SCHOOL FUND. The State Board of Education shall, on the first Monday in August of each and every year, apportion among the several counties of the State all the school funds which may be then in the treasury of the board and order a warrant for the full apportionment to each county, which apportionment shall be made on the basis of the school population; but no part of the permanent school fund shall be apportioned or distributed, but only the income therefrom. The State Auditor shall keep a separate and distinct account of the public school funds and of the income and interest thereof, and also of such moneys as may be raised by State, county, and capitation tax, or otherwise, for school purposes.

1901, c. 4, s. 1.

4095. APPORTIONMENT, HOW PAID. Upon the receipt of the requisition of the treasurer of any county, duly approved by the chairman and secretary of the county board of education, for the school fund which may have been apportioned to such county, the State Board of Education shall issue its warrant on the State Auditor for the sum due such county, whereupon the Auditor shall draw his warrant on the treasurer of the State Board of Education in favor of such county treasurer for the amount set forth in the warrant of the State Board.

1901, c. 4, s. 2.

4096. WARRANTS, HOW DRAWN AND ENDORSED. The State Treasurer shall receive and hold as a special deposit all school funds paid into the treasury, and pay them out only on the warrant of the Auditor, issued on the order of the State Board of Education in favor of a county treasurer, duly endorsed by the county treasurer in whose favor it is drawn, and it shall be the only valid voucher in the hands of the State Treasurer for the disbursement of school funds.

1901, c. 4, s. 3.

VII. SCHOOL FUNDS PROVIDED BY COUNTY AND LOCAL TAXATION AND APPORTIONMENT OF THE SAME

Summary.—1. THE PROCEEDS OF THE SALE OF ESTRAYS; ALL FINES, PENALTIES, AND FORFEITURES; AND AUCTIONEERS' LICENSE TAX.

2. THE PROCEEDS OF AT LEAST THREE-FOURTHS OF THE GENERAL POLL TAX, THE MAXIMUM OF WHICH IS TWO DOLLARS, ON ALL MALE PERSONS BETWEEN TWENTY-ONE AND FIFTY YEARS OF AGE.*

3. THE PROCEEDS OF A TWENTY-CENTS TAX ON EACH \$100 ASSESSED VALUATION OF REAL AND PERSONAL PROPERTY.*

4. THE PROCEEDS OF A MAXIMUM SPECIAL TAX OF 30 CENTS INCREASABLE BY VOTE TO 50 CENTS ON EACH \$100 ASSESSED VALUATION OF PROPERTY AND 90 CENTS INCREASABLE TO \$1.50 ON EACH POLL WHICH MAY BE LEVIED BY A MAJORITY VOTE OF THE QUALIFIED VOTERS OF ANY INCORPORATED TOWN OR SCHOOL DISTRICT.

5. THE PROCEEDS OF A MAXIMUM TOWNSHIP HIGH SCHOOL TAX OF 30 CENTS ON EACH \$100 ASSESSED VALUATION OF PROPERTY AND 90 CENTS ON EACH POLL, WHICH MAY BE LEVIED BY A MAJORITY VOTE OF THE QUALIFIED VOTERS OF ANY TOWNSHIP.

6. THE PROCEEDS OF SUCH SPECIAL SCHOOL TAX AS ANY TOWN OR CITY BY ITS CHARTER OR BY A SPECIAL ACT OF THE GENERAL ASSEMBLY MAY ACQUIRE THE RIGHT TO LEVY BY THE APPROVAL OF A MAJORITY OF ITS QUALIFIED VOTERS.

THE APPORTIONMENT OF THE PROCEEDS OF THE STATE FUNDS AND THOSE INCLUDED 1-3 ABOVE IS CONTROLLED BY THE COUNTY BOARDS OF EDUCATION, ACCORDING TO SECTION 4116, BELOW; ALL OTHER SCHOOL FUNDS ARE ENTIRELY UNDER THE CONTROL OF THE LOCAL SCHOOL COMMITTEES OR BOARDS OF EDUCATION.

4107. COUNTY EDUCATIONAL FUND FOR FREE PUBLIC SCHOOLS. All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from sales of estrays; also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as equivalent for exemption from military duties; also the net proceeds of any tax imposed on licenses to retailers of wines, cordials or spirituous liquors, and on auctioneers, shall belong to and remain in the several counties and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties as established in pursuance of the Constitution. The amount collected in each county shall be reported annually to the State Superintendent of Public Instruction.

Const., Art. IX, s. 5; 1901, c. 4, s. 5.

4108. COUNTY OFFICERS FILE LIST OF FINES AND PENALTIES WITH COUNTY BOARDS OF EDUCATION. The clerks of all State and municipal courts, justices of the peace, and the clerks or other officials having in custody the records of any city or town in the State shall furnish to the county board of education of their respective counties, on the first Monday of July and January of each year, a detailed statement of fines, forfeitures, and penalties which go to the school fund, that have been imposed or which have accrued, this information to be furnished on blanks prepared by the State Department of Public Instruction.

1901, c. 4, s. 62; 1913, c. 149.

4109. TAX LISTS TO HAVE SEPARATE COLUMNS FOR SCHOOL TAXES. The Auditor shall include on the form which he furnishes to the board of county commissioners, and on which the tax lists are to be made out, separate

*Revisal 1905, secs. 5109 and 5110; Constitution, Art. V, secs. 1 and 2; 1911 c. 46.

columns for school poll tax and school property tax and for special county and district taxes on property and polls. In one of these columns shall be written the total poll tax levied by the State and by the county authorities for schools and due by the taxpayer. In the other column shall be written the total property tax levied by the State and by the county authorities and due by the taxpayer.

1901, c. 4, s. 60.

4110. REGISTER OF DEEDS TO FURNISH ABSTRACTS OF TAX LISTS TO COUNTY BOARD. The register of deeds shall furnish to the county board of education, as soon as the tax lists are made out, an abstract of such lists, showing in separate columns the total amount of poll tax on such lists, and also the total amount of property tax thereon, and also in another column the amount of special county and district poll taxes, and in a separate column the amount of special county and district property taxes; and shall furnish such other information from his office as the county board of education may require.

1901, c. 4, s. 61.

4111. SHERIFF'S LIABILITY, CIVIL AND CRIMINAL, FOR FAILURE TO SETTLE SCHOOL TAX. The sheriff of each county shall pay annually in money to the treasurer of the county school fund, on or before the thirty-first day of December of each year, the whole amount for school purposes collected by both State and county, less his lawful commission for collecting the same, and such sum as may be allowed on account of insolvents for the current year, and on failing to do so shall be liable to an action on his official bond for his default in such sum as will cover such default, such action to be brought to the next ensuing term of the Superior Court in the name of the State upon the relation of the board of county commissioners. In making settlement with the treasurer the sheriff or tax collector shall make separate account of insolvents and delinquents allowed, whether on property or capitation tax. The county superintendent shall make copies of the fines and penalties reported by justices of the peace and reported to the clerk of Superior Court, and file the same with the county board.

Code, s. 723; 1901, c. 4, s. 54; 1905, c. 533, s. 20.

4112. (SUBSTITUTE FOR). On or before the first Monday in June of each and every year the county board of education of each county shall ascertain the amount of money needed to maintain the public schools of such county for four months during the succeeding school year. The county board of education, using as a basis the receipts for school purposes during the current school year ending June thirtieth thereafter, shall ascertain the amount that will be available for school purposes from the general school tax, from fines, forfeitures, and penalties, and from the annual per capita appropriation to the county from the special State appropriation for public schools under this act. If the amount received and to be received from these sources is less than the amount ascertained to be needed for a full four months school term in every public school district of the county, said county board of education shall submit to the board of county commissioners of said county an itemized statement of the amounts needed for supervision, for administration, for buildings and repairs, for salaries of teachers, and for all other expenses allowed by law. The statement shall also set forth the number of teachers, white and colored, to be employed in each district, and the salary of each teacher in each district. The limitation placed by law on each of these objects shall not be exceeded. It shall thereupon be the duty of the

board of county commissioners to levy a special tax on all property, real and personal, and on all taxable polls, subject to the constitutional limitation as to poll tax, in said county sufficient to supply the deficiency needed for the support and maintenance of the public schools of said county for four months in each school district: *Provided*, that no county shall be compelled to levy a special tax of more than fifteen cents on every hundred dollars value of property, real and personal, and forty-five cents on every taxable poll for said purpose. The said tax shall be levied and collected at the same time and in the same manner as other county taxes are levied and collected, and the funds derived therefrom shall be apportioned and expended by the county board of education for maintaining one or more public schools in each school district for a term of four months in each year. In the event of a disagreement between the county board of education and the board of county commissioners as to the amount of the deficiency to be supplied for a four months school, and as to the rate of tax to be levied therefor, or of the refusal of any board of county commissioners to levy said tax, the county board of education shall bring an action in the nature of mandamus against the board of county commissioners to compel the levying of such special tax in the manner and form as provided in sections eight hundred and twenty-two and eight hundred and twenty-four of the Revisal of one thousand nine hundred and five of North Carolina, and it shall be the duty of the judge hearing the same to find the facts as to the amount needed and the amount available from the sources herein specified, which finding shall be conclusive, and to give judgment requiring the county commissioners to levy the sum which he shall find necessary to maintain the schools for four months in said county. No county shall receive any part of the State Equalizing School Fund provided by this act until it shall have levied the special tax herein required of it for a four months school term in every school district.

1913, c. 33, s. 8.

4113. SPECIAL TAX MAY BE VOTED FOR TOWNSHIP HIGH SCHOOLS. In any township, upon petition of one-fourth of the freeholders of the township, approved by the county board of education, the board of county commissioners, after thirty days notice at the courthouse door and three public places in the township, shall hold an election to ascertain the will of the people within the township whether there shall be levied in said township a special annual tax of not less than ten cents nor more than thirty cents on the one hundred dollars valuation of property and not less than thirty cents nor more than ninety cents on each poll, in addition to all other taxes levied for all other purposes, to be used for the establishment of a central high school or high schools in said township, in case such special tax is voted. The board of county commissioners shall appoint a registrar and order a new registration for said township, and said election shall be held in the said township under the law governing general elections, as nearly as may be, and the expenses of such election shall be paid out of the general county school fund. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For High School Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against High School Tax." In case a majority of the qualified voters at said election are in favor of said tax, then so much of the tax on property and polls herein provided for as in

the judgment of the committee may be necessary shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall, upon collection, be placed by the treasurer of the county school fund to the credit of the township high school committee, composed of three members, appointed by the county board of education, and shall be expended exclusively by said committee in establishing and maintaining one or more high schools in said township, under such rules and regulations as to its conduct and such course or courses of study as shall be prescribed by the State Superintendent of Public Instruction. The powers, duties, and qualifications of the committeemen provided for in this section shall be similar to those of other school committeemen, and they shall have the same power to apportion the funds so raised as is conferred upon the county board of education for apportionment of the general fund among the schools of the township. And the provisions of this section shall not be so construed as to prevent the teaching of the elementary branches in such high schools as may be established, nor so construed as to prevent the county board of education from making such apportionment of public school funds to such high schools as they may deem equitable and just: *Provided*, that township high schools may also be established without the levying of a special high school township tax, where the public funds are sufficient for that purpose, under such rules and regulations as to organization and course of study as the State Superintendent of Public Instruction shall prescribe: *Provided further*, that high school subjects may be taught in all public schools employing more than one teacher, according to such rules and regulations, as to organization and course of study as shall be prescribed by the State Superintendent of Public Instruction, where the public funds are sufficient to provide for such teaching; but the high school branches taught in such schools shall not interfere with the thorough teaching of the elementary branches.

1905, c. 533, s. 13.

4114. SPECIAL TAX MAY BE VOTED IN CITIES AND TOWNS. In every incorporated city or town in which there is not now levied a special tax for schools, upon a petition signed by one-fourth of the freeholders therein, the board of aldermen or town commissioners of said city or town shall, at the date of municipal or general election next ensuing, upon the presentation of said petition, order an election to be held to ascertain the will of the people whether there shall be levied in such city or town a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund in such city or town. Said election shall be held in the different election precincts or wards under the law governing municipal or general elections in said cities or towns. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at said election is in favor of said tax, the same shall be annually levied and collected in such town or city in the manner prescribed for the levy and collection of other city taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the town school committee, composed of not less than five nor more than seven members, appointed by the board of aldermen for

said city or town, and shall be by said committee expended exclusively upon the public schools in said city or town; and there shall be but one school district in the said city or town, in which there may be established one or more schools for each race, and the school committee shall apportion the money among said schools in such manner as in their judgment will equalize school facilities.

1901, c. 4, s. 71.

4115. SPECIAL TAX MAY BE VOTED IN SPECIAL SCHOOL DISTRICTS. Special school tax districts may be formed by the county board of education in any county, without regard to township lines, under the following conditions: Upon a petition of one-fourth of the freeholders within the proposed special school district, in whose names real estate in such district is listed in the tax lists of the current fiscal year, endorsed by the county board of education, the board of county commissioners, after thirty days notice at the courthouse door and three public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed special school district whether there shall be levied in such district a special annual tax of not more than thirty cents on the one hundred dollars valuation of property and ninety cents on the poll to supplement the public school fund which may be apportioned to such district by the county board of education in case such special tax is voted. The board of county commissioners shall appoint a registrar and two pollholders, and shall designate a polling place and order a new registration for such district, and the election shall be held in the district under the law governing general elections, as near as may be, and the registrar and pollholders shall canvass the vote cast and declare the result, and shall duly certify the returns to the board of county commissioners, and the same shall be recorded in the records of said board of commissioners: *Provided*, the expense of holding said election shall be paid out of the general school fund of the county. At such election those who are in favor of the levy and collection of the tax shall vote a ticket on which shall be printed or written the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words "Against Special Tax." In case a majority of the qualified voters at the election is in favor of the tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the school committee in such district, which committee shall be appointed by the county board of education, and such school committee shall apportion the money among the schools in such district in such manner as in its judgment shall equalize school facilities. Upon the written request of a majority of the committee or trustees of any special-tax district, the county board of education may enlarge the boundaries of any special-tax district established under this section, or by special act or charter of the General Assembly of North Carolina, so as to include any contiguous territory, and an election in such new territory may be ordered and held in the same manner as prescribed in this section for elections in special-tax districts; and in case a majority of the qualified voters in such new territory shall vote at such election in favor of a special tax of the same rate as that voted and levied in the special-tax district to which said territory is contiguous, then the new territory shall be added to and become a part of the said special-tax district; and in case a majority of the qualified voters

at such election shall vote against said tax, the district shall not be enlarged. Upon petition of two-thirds of the qualified voters residing in any special-tax district established under this section, *the same shall be endorsed and approved by the county board of education, and the board of county commissioners shall order another election in said district for submitting the question of revoking said tax and abolishing said district, to be held under the provisions prescribed in this section for holding other elections, and it is hereby made the duty of the board of education to indorse said petition when presented containing the proper number of names of qualified voters, and this provision is made mandatory, and the board is allowed no discretion to refuse to indorse the same when so presented: Provided further, that the provisions of this act shall not apply when such school special-tax district is in debt in any sum whatever: Provided, that no election for revoking a special tax in any special-tax district shall be ordered and held in said district within less than two years from the date of the election at which the tax was voted and the district established, nor at any time within less than two years after the date of the last election on said question in said district; and no petition revoking such tax shall be approved by the county board of education oftener than once in two years, and if at such election a majority of the qualified voters in said district shall vote "Against Special Tax," said tax shall be deemed revoked and shall not be levied, and said district shall be discontinued: Provided further, that the provisions for ordering a new election to revoke a special tax in any special-tax district shall not apply to elections in such districts for increasing or restoring the special-tax levy in such district, which elections may be ordered and held at any time in accordance with the provisions of this section for establishing new special-tax districts. Special-tax districts may be formed as provided herein out of portions of contiguous counties. The petition for such a district must be endorsed by the boards of education of both counties. The registrar and one pollholder shall be appointed by the board of commissioners of the county in which the larger number of petitioners reside, and one pollholder must be appointed by the board of commissioners of the other county. All the provisions of section four thousand one hundred and twenty-nine in regard to districts in contiguous counties shall be applicable as far as may be to the establishment of special-tax districts out of portions of contiguous counties herein provided: Provided further, that when it shall be ascertained upon written petition of one-third of the qualified voters of the special-tax district, endorsed by the county board of education, that the special tax levied under this section shall be inadequate to maintain and support the school or schools of said special-tax district, then it shall be competent to hold an election in said district to increase the special-tax levy upon real estate and polls to an amount not exceeding fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll; and such election shall be called and held in the same manner as the election for creating the special-tax district as in said section provided, but no such election shall be held oftener than once in two years.*

1901, c. 4, s. 72; 1903, c. 435, s. 24; 1905, c. 533, s. 14; 1909, c. 525; 1911 c. 135; 1915, c. 236; 1917, c. 102.

4116. APPORTIONMENT OF SCHOOL FUNDS; RESERVATION OF CONTINGENT FUND. The county board of education shall, on the first Monday in January and

the first Monday in July of each year, apportion the school fund of the county to the various school districts; but it shall, before apportioning the school fund, reserve as a contingent fund an amount sufficient to pay the salary of the county superintendent and per diem and expense of the county board of education; and may further reserve as a fund for building and repairing schoolhouses and for equipment, in counties with a total school fund of five thousand dollars or less, not more than twenty per centum thereof; in counties with a total school fund of over five thousand dollars and not more than ten thousand dollars, not more than sixteen per centum thereof; in counties with a total school fund of over ten thousand dollars and not more than twenty-five thousand dollars, not more than ten per centum thereof; in counties with a total school fund of over twenty-five thousand dollars, not more than seven and a half per centum thereof, to be used as directed in section four thousand one hundred and twenty-four. It shall be the duty of the county board of education to distribute and apportion the school money so as to give to each school in the county for each race the same length of school term, as nearly as may be, each year. In making the apportionment the board shall have proper regard for the grade of work to be done and the qualifications of the teachers required in each school for each race. As soon as the apportionments are made it shall be the duty of the board to notify the school committeemen and the treasurer of the county school fund of the amount apportioned to each school, designating each school by number, and stating whether for white, colored or Indian, and naming the township and county. Funds unused by any district during any year shall, if still unused at the January meeting subsequent to the close of the school year, be returned to the general school fund for reapportionment, unless such district shall have been prevented from using such funds during that year by providential or other unavoidable causes.

Provided, that in the discretion of the county board of education it may also reserve sufficient funds, after first providing for a six months school term in every school district, to pay a part of the cost, not to exceed one-half, necessary to employ a capable physician for his entire time as county health officer whose election meets with the approval of said board and whose duties shall be specified by the county board of health to embrace those provided for in that part of section eleven, chapter sixty-two, of the public health laws of one thousand nine hundred and eleven, relating to the medical inspection of schools and school children; and he shall lecture to the teachers in their meetings and supply them with printed instructions regarding measures for the proper care of the body, the recognition and prevention of disease, the recognition, prevention, and correction of physical defects, etc.; and he shall keep an accurate daily record of the work he does under the provisions of this act and make weekly, monthly, or quarterly reports, giving such information as may be called for by blanks to be furnished by and returned to both the county board of education and the State Superintendent of Public Instruction; and if the county health officer should neglect for a period of ninety days to carry out the spirit of this act, unless his entire time should be required to fight an epidemic of some contagious or infectious disease, the county board of education may in its discretion withdraw its financial aid in his employment: *Provided further*, that the county board of education may reserve as a further contingent fund a sufficient amount to pay the

salary of an assistant superintendent, and to defray such other supervisory and administrative expenses as it may deem necessary, and such additional contingent fund as it may deem advisable for the encouragement and support of home demonstration and club work: *Provided, the amount set aside under this provision shall in no case exceed one-half the amount spent for such purposes in the county, but the funds set aside for these purposes shall not operate to increase the amount to which said county would have been entitled from the State Equalizing Fund if said funds had not been set aside, and the same shall be included in the necessary expenses for a four months school term for which a special tax, if necessary, must be levied under chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen.*

1913, c. 149; 1915, c. 236; 1917, c. 285.

SUGGESTIONS ON APPORTIONING SCHOOL FUND.

1. *Determine first of all what the total school fund is, including the county's per capita apportionment from the State appropriation of \$250,000.*

2. *Next reserve the contingent fund to pay the salary and expenses of the county superintendent, and the mileage, per diem, and expenses of the county board, and expenses authorized in this section.*

3. *Reserve, if necessary what may be needed for building, observing that the amount for this purpose is limited according to the amount of the total fund.*

4. *After fixing the monthly salary of each teacher of each school of each race and the allowance to each school for incidental expenses, apportion the balance so as to give the same length of school term to each school of each race, or as nearly as may be.*

5. *Having ascertained the balance available for apportionment for teachers' salaries and incidental expenses, proceed as follows to ascertain the amount to be apportioned to each district for each race to secure the same length of school term in each as required by law:*

(a) *Ascertain the aggregate monthly salaries of all teachers, white and colored, as fixed, and the aggregate monthly allowance for incidental expenses for all schools of the county.*

(b) *These two amounts added will give the total cost per month of all schools.*

(c) *Divide the balance available for apportionment by this sum, and it will give the length of the term in months of each school.*

(d) *Multiply the monthly expense of each district for salary of teacher or teachers and incidental expenses by the quotient so obtained and the product will be the amount to be apportioned to each district.*

4117. APPORTIONMENT, BASIS OF. The semi-annual apportionment of public school money shall be based upon the amounts actually received by the county treasurer from all sources and reported by him to the county board of education, as required by this chapter.

1901, c. 4, s. 25.

4118. FISCAL SCHOOL YEAR. The fiscal school year shall begin on the first day of July and close on the thirtieth day of June next succeeding.

1901, c. 4, s. 67.

VIII. THE POWERS AND DUTIES OF THE COUNTY BOARD OF EDUCATION

Summary.—CORPORATE POWERS AS TO ACQUIRING, HOLDING, AND DISPOSING OF SCHOOL PROPERTY ARE CONFERRED ON THIS BOARD, AND IT HAS ADDITIONAL POWER TO MAKE REGULATIONS GOVERNING THE ATTENDANCE OF PUPILS ON THE SCHOOLS AND OF TEACHERS ON EDUCATIONAL MEETINGS. THIS BOARD ALSO CONTROLS THE TIME THE SCHOOLS MAY BE IN SESSION, THE BUILDING AND REPAIR OF ALL SCHOOL-HOUSES, AND MAY CREATE OR ABOLISH OR CONSOLIDATE SCHOOL DISTRICTS. IN ADDITION TO THE EXERCISE OF THE USUAL CORPORATE POWERS, THIS BOARD MAY CONDEMN LAND FOR SCHOOL SITES AND MAY PUNISH FOR CONTEMPT. ALL NECESSARY POWER TO ENFORCE THE SCHOOL LAW IS CONFERRED ON THIS BOARD, WITH EXPLICIT POWER TO REMOVE THE COUNTY SUPERINTENDENT UPON THE COMPLAINT OF THE STATE SUPERINTENDENT, AND TO REMOVE ANY TEACHER FOR IMMORAL CONDUCT.

4119. Repealed by chapter 74, Public Laws 1917, which prescribes method of electing county boards of education and filling vacancies therein.

See page 24 in this pamphlet.

4120. QUALIFICATION OF MEMBERS; FAILURE TO QUALIFY; VACANCY. (Section 4120 repealed by chapter 74, Public Laws 1917. See sections 2 and 3 of chapter 74, Public Laws 1917.)

4121. INCORPORATED; POWERS AND DUTIES OF. The county board of education shall be a body corporate by the name and style of the County Board of Education of.....County, and by that name shall be capable of purchasing and holding real and personal estate, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation. It shall have power and authority, and it shall be its duty, to institute and prosecute any and all actions, suits, or proceedings against any and all officers, persons or corporations, or their sureties, for the recovery, preservation, and application of all moneys or property which may be due to or should be applied to the support and maintenance of the schools, except in case of a breach of his bond by the treasurer of the county school fund, in which case action shall be brought by the county commissioners as is hereinafter provided.

1901, c. 4, s. 13; 1903, c. 435, s. 4.

4122. RULES AND REGULATIONS FOR SCHOOLS, TEACHERS, AND PUPILS. The county board of education shall have power and authority to fix and determine the method of conducting the public schools in their respective counties, so as to furnish the most advantageous method of education available to the children attending the public schools in the several counties of the State; and such board and the county superintendent of public instruction shall have full power to make all just and needful rules and regulations governing the conduct of teachers and pupils as to attendance on the schools, discipline, tardiness, and the general government of the schools.

1903, c. 435, s. 4.

[Under the provisions of this section the county board and the county superintendent may make and enforce such attendance regulations as may be necessary to secure regular and prompt attendance on the part of the children. The same authority may also regulate the attendance of teachers on all meetings which may be thought to promote educational progress.]

4123. TIME OF OPENING AND CLOSING SCHOOLS. The time of opening and closing the public schools in the several public school districts of the State shall be fixed and determined by the county board of education in their respective counties. The board may fix different dates for opening the schools in different townships, but all the schools of each township must open on the same date, as nearly as practicable.

1903, c. 435, s. 4.

[This section simply means that the school term must not be divided and taught during different seasons of the year unless some epidemic or other providential cause interferes with the regular term. The county board must exercise this control if it would carry out the provisions of section 4116.]

4124. SCHOOLHOUSES, BUILDING AND APPROVAL OF; CONTRACTS FOR. The building of all new schoolhouses shall be under the control and direction of and by contract with the county board of education. The board shall pay not exceeding one-half of the cost of the same out of the fund set aside for building, under section four thousand one hundred and sixteen, and the school district in which any schoolhouse is erected shall pay the other part, and upon failure of such district to provide its part by private subscription, or otherwise, the board is directed to take it out of the apportionment to that district; but the board shall not be authorized to invest any money in any new house that is not built in accordance with plans approved by the State Superintendent of Public Instruction. All contracts for buildings shall be in writing, and all buildings shall be inspected, received and approved by the county superintendent of public instruction before full payment is made therefor.

1903, c. 435, s. 4.

[This means that the county board, out of the building fund which it may reserve by the provisions of section 4116, shall pay not exceeding one-half the cost of building any new schoolhouse, the other part of the expense to be borne by the district; but the board has complete control of the whole subject, and may forbid the erection of a schoolhouse in a district which ought not to exist. It must be remembered that no house can be built except in accordance with plans approved by the State Superintendent, and the county board is charged with the duty of carrying into effect this provision to secure neat, comfortable, and attractive houses. Pamphlets containing plans of such houses as will be approved by the State Superintendent, together with specifications, estimates of cost and bills for material, will be furnished by the State Superintendent on application.]

4125. POWER OF, TO EXECUTE SCHOOL LAW. In addition to all other duties and powers imposed and conferred upon it by law, the county board of education shall have general control and supervision of all matters pertaining to the public schools in their respective counties, and are given the powers to execute and are charged with the due execution of the school laws in their respective counties: and all powers and duties conferred and imposed by this chapter and other laws of the State respecting public schools which are not expressly conferred and imposed upon some other official are conferred and imposed upon the county boards of education, and an appeal shall lie from all other county school officers to such board. In all actions brought in any court against a county board of education for the purpose of compelling the board to admit any child or children who have been excluded from any school by the order of the county board of education, the order or

action of the board shall be presumed to be correct, and the burden of proof shall be on the complaining party to show to the contrary.

1901, c. 4, s. 14; 1915, c. 236.

4126. REMOVAL OF COUNTY SUPERINTENDENT, MEMBERS OF COUNTY BOARD AND SCHOOL COMMITTEE. In case the State Superintendent shall have sufficient evidence at any time that any county superintendent of public instruction or any member of the county board of education is not capable of discharging or is not discharging the duties of his office, as required by this chapter, or is guilty of immoral or disreputable conduct, he shall report the matter to the county board of education, which shall hear evidence in the case; and if, after careful investigation, it shall find sufficient cause for his removal, it shall declare the office vacant at once and proceed to elect his successor. Either party may appeal from the decision of the county board of education to the State Board of Education, which shall have full power to investigate and review the decisions of the county board of education. This section shall not deprive any county superintendent of the right to try his title to his office in the courts of the State. In case the county superintendent shall have sufficient evidence at any time that any member of any school committee is not capable of discharging or is not discharging the duties of his office, he shall bring the matter to the attention of the county board of education, which shall thoroughly investigate the charges, and shall remove such committeeman and appoint a successor, if sufficient evidence shall be produced to warrant his removal and the best interests of the schools demand it.

1901, c. 4, ss. 10, 42.

4127. MAY HOLD INVESTIGATIONS; ISSUE SUBPOENAS; SERVICE OF SAME; APPEAL TO SUPERIOR COURT. The county board of education shall have power to investigate and pass upon the moral character of any teacher in the public schools of the county, and to dismiss such teacher if found of bad moral character; also to investigate and pass upon the moral character of any applicant for a teacher's certificate or for employment as teacher in any public school in the county. Such investigation shall be made, after written notice of not less than ten days, to the person whose character is to be investigated. The board shall have power to issue subpoenas for the attendance of witnesses. Subpoenas may be issued in any and all matters which may lawfully come within the powers of the board and which in the discretion of the board require investigation; and it shall be the duty of the sheriffs, coroners and constables to serve such subpoenas upon payment of their lawful fees. Appeals provided for in this chapter shall be regulated by rules to be adopted by the board. The Superior Courts of the State may review any action of the county board of education affecting any one's character or right to teach.

1901, c. 4, s. 15.

4128. POWER TO PUNISH FOR CONTEMPT. The county board of education of each county shall have power to punish for contempt for any disorderly conduct or disturbance tending to interrupt it in the transaction of official business.

1901, c. 4, s. 28.

4129. SCHOOL DISTRICTS, HOW FORMED. The county board of education shall divide the townships *or the entire county or any part of the county* into convenient school districts, as compact in form as practicable; *and said board*

is hereby authorized and empowered to redistrict the entire county or any part thereof and to consolidate school districts wherever and whenever in its judgment the redistricting or the consolidation of districts will better serve the educational interests of the township, or the county, or any part of the county. It shall consult the convenience and necessities of each race in setting the boundaries of the school district for each race, and shall establish no new school in any township within less than three miles by the nearest traveled route of some school already established in said township, nor shall it create any school district with less than sixty-five children of school age, unless such district shall contain at least twelve square miles or shall be separated by dangerous natural barriers from a schoolhouse in the district of which the proposed new district is a part. Nothing in this chapter shall prevent the board, whenever it shall deem it necessary for the good of the public schools, from forming a school district out of portions of two or more contiguous townships. School districts may be formed out of portions of contiguous counties by agreement and consent of the county boards of education of the two counties, and in case of the formation of such districts the per capita part of the public school money due the children residing in one county shall be apportioned by the county board of education of that county and paid to the treasurer of the other county in which the schoolhouse is located, to be placed to the credit of the school district so formed.

The county board of education of any county is authorized and empowered to change the boundary lines between local tax school districts *urban and rural and to consolidate such districts* in said county upon satisfactory evidence furnished to said board that the convenience and best interests of the residents of the districts require such change: *Provided*, that this authority to change boundaries between local tax districts shall not have the effect of releasing any taxpayer from the obligation of paying his school taxes, but shall be exercised only for transferring said taxpayer and his property from one local tax district to another. *County boards of education of any two contiguous counties are hereby authorized to transfer children from a school district in one county to the adjacent school district in the other county for the convenience of the children transferred, and to arrange by agreement for reasonable compensation out of the county school fund of the county from which such transfers are made to be placed to the credit of the school district in the other county in which the children transferred attend school.*

Upon the consolidation of two or more school districts into one by the county board of education, the said county board of education is authorized and empowered to make provision for the transportation of pupils in said consolidated district that reside too far from the schoolhouse to attend without transportation, and to pay for the same out of the apportionment to said consolidated districts: *Provided*, that the daily cost of transportation per pupil shall not exceed the daily cost per pupil of providing a separate school in a separate district for said pupils.

1901, c. 4, s. 29; 1903, c. 435, s. 12; 1905, c. 533, s. 7; 1909, c. 856; 1911, c. 135; 1917, c. 285.

4130. MAY ACCEPT DONATIONS; MAY SELL SCHOOL PROPERTY. The county board of education may receive any gift, grant, donation, or devise made for the use of any school within its jurisdiction. When in the opinion of the board any schoolhouse, schoolhouse site or other public school property has become unnecessary for public purposes, it may sell the same at public auc-

tion, after advertisement of twenty days at three public places in the county, or at private sale. The deed for the property thus sold shall be executed by the chairman and secretary of the board, and the proceeds of the sale shall be paid to the treasurer of the county school fund.

1901, c. 4, ss. 30, 36.

4131. SCHOOL SITES MAY BE ACQUIRED BY GIFT, PURCHASE OR CONDEMNATION. The county board of education or the board of trustees of any incorporated or chartered graded school district may receive suitable sites for school-houses or school buildings by donation or purchase. In case of purchase, the county board of education or any board of trustees aforesaid shall issue an order on its treasurer for the purchase money, and upon payment of the order the title to the site shall vest in the corporation in fee simple. Whenever the boards above mentioned are unable to obtain a suitable site for a school or school building by gift or purchase, such board shall report to the county superintendent of public instruction, who shall, upon five days notice to the owner or owners of the land, apply to the clerk of the Superior Court of the county in which the land is situated for the appointment of three appraisers, who shall lay off by metes and bounds not more than two acres and assess the value thereof. The same means may be used to obtain more land in a district where there is a house or a site previously obtained, but not more than three acres shall be procured, including the site already obtained. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the clerk within five days from their appointment, who shall enter the same upon records of the court. The appraisers and officers shall serve without compensation. If the report is confirmed by the clerk, the chairman and the secretary of the board shall issue an order on the treasurer of the county school fund, or, if a graded school district, upon the treasurer of the graded school district, in favor of the owner of the land thus laid off, and upon the payment or offer of payment of this order the title to such land shall vest in fee simple in the corporation. Any person aggrieved by the action of the appraisers may appeal to the Superior Court in term, upon giving bond to secure the board against such costs as may be incurred on account of the appeal not being prosecuted with effect.

1901, c. 4, c. 31; 1903, c. 435, s. 13; 1905, c. 533, s. 8; 1911, c. 135; 1913, c. 149.

[Several acres of land ought always to be secured for the site of a rural school, if possible.]

4132. DEEDS TO BE FILED WITH CLERK; SECRETARY TO KEEP INDEX. All deeds to the county board of education shall be registered and delivered to the clerk of the Superior Court for safe keeping, and the secretary of the county board of education shall keep an index, by township and school districts, of all such deeds in a book for that purpose.

1901, c. 4, s. 32; 1903, c. 435, s. 14.

[This section requires the county superintendent to keep a convenient index of the deeds for all the school property of the county.]

4133. MEETINGS OF; DUTIES AT. The county board of education shall meet on the first Monday in January, April, July and October, and may, if necessary, continue in session two days, and it may have called meetings, of one day each, as often as once a month if the school business of the county require it. It shall, at the meetings in January, April, July, and October, examine the books and vouchers and audit the accounts of the treasurer of

the county school fund. The boards of education of the several counties shall cause to be published annually on the first Monday of August in some newspaper published in the county, or at the courthouse door if there be no newspaper published therein, or in the printed annual school report of said county, an itemized statement of all receipts and expenditures of school funds.

1891, c. 460; 1901, c. 4, s. 27; 1903, c. 435, s. 26; 1905, c. 533, s. 21; 1911, c. 135; 1913, c. 149.

4134. SUPERINTENDENT AND TREASURER TO MEET WITH, IN JULY, TO SETTLE ALL BUSINESS OF FISCAL YEAR. On the first Monday in July the county board of education, county superintendent of public instruction and treasurer shall meet at the office of the board and settle all the business of the preceding fiscal year. The board shall on that day examine the reports of treasurer and county superintendent, and if found correct shall direct them to be forwarded to the State Superintendent within thirty days thereafter.

1901, c. 4, s. 59; 1903, c. 435, s. 20.

COMPENSATION OF MEMBERS OF BOARD. The members of the county board of education shall receive three dollars per diem and the same mileage as is allowed to the members of the board of county commissioners of their counties.

Revisal of 1905, v. 1, c. 66; s. 2786; 1915, c. 236.

IX. THE POWERS AND DUTIES OF THE COUNTY SUPERINTENDENT

Summary.—THE COUNTY SUPERINTENDENT IS ELECTED FOR A TERM OF TWO YEARS BY THE COUNTY BOARD ON THE FIRST MONDAY IN JULY. HE MUST BE A MAN OF LIBERAL EDUCATION AND OF GOOD MORAL CHARACTER, AND MUST ALSO BE A PRACTICAL TEACHER OR HAVE HAD TWO YEARS EXPERIENCE IN TEACHING OR SUPERVISING SCHOOLS WITHIN FIVE YEARS IMMEDIATELY PRECEDING HIS ELECTION. HE MUST HAVE A SUPERINTENDENT'S CERTIFICATE FROM THE STATE BOARD OF EXAMINERS AND INSTITUTE CONDUCTORS. DURING THE PUBLIC SCHOOL TERM HE MUST VISIT THE PUBLIC SCHOOLS, AND HE CAN NOT ENGAGE IN SCHOOL WORK WHICH WILL NULLIFY THIS REQUIREMENT. THE COUNTY SUPERINTENDENT IS SECRETARY OF THE COUNTY BOARD, AND MUST HAVE HIS OFFICE AT THE COUNTY SEAT. HE IS REQUIRED TO HOLD TOWNSHIP TEACHERS' MEETINGS, SUPERVISE THE WORK OF THE TEACHERS, ATTEND THE STATE AND DISTRICT ASSOCIATIONS OF COUNTY SUPERINTENDENTS, MUST INSTRUCT COMMITTEEMEN AS TO THEIR DUTIES, MUST DISTRIBUTE THE BLANK FORMS FURNISHED HIM BY THE STATE SUPERINTENDENT, MUST MAKE REPORTS TO THE STATE SUPERINTENDENT AND COUNTY BOARD, HE MUST FURNISH STATISTICS AS TO THE NUMBER OF DEAF AND DUMB AND BLIND CHILDREN IN HIS COUNTY, AND MUST REPORT MONTHLY TO THE COUNTY BOARD OF EDUCATION AND THE STATE SUPERINTENDENT. IF THE COUNTY SCHOOL FUND EXCEEDS \$15,000 ANNUALLY, HE MAY BE PAID SUCH SALARY AS THE COUNTY BOARD MAY FIX; OTHERWISE, HIS SALARY MAY BE FIXED AT FOUR PER CENT OF THE DISBURSEMENTS OF THE SCHOOL FUND, OR IT MAY BE FIXED AT NOT LESS THAN \$3 A DAY, FOR THE TIME ACTUALLY EMPLOYED. NO VOUCHER IN THE HANDS OF THE TREASURER OF THE SCHOOL FUND IS A VALID VOUCHER UNLESS SIGNED BY THE COUNTY SUPERINTENDENT. THE COUNTY SUPERINTENDENT AND THE STATE BOARD OF EXAMINERS AND INSTITUTE CONDUCTORS HAVE CHARGE OF THE EXAMINATION AND CERTIFICATION OF TEACHERS. UNDER SECTION 4161, HE MUST MEET WITH COMMITTEE FOR ELECTION OF TEACHERS, AND SUCH ELECTION MUST HAVE HIS APPROVAL.

4135. ELECTION, QUALIFICATIONS AND TERM OF OFFICE; VACANCY. The county board of education, on the first Monday in July, one thousand nine hundred and five, and biennially thereafter, shall elect a county superintendent of public instruction, who shall be at the time of his election a practical teacher, or who shall have had at least two years' experience in teaching or supervising schools within five years immediately preceding his election, and who also shall be a man of liberal education, and shall otherwise be qualified to discharge the duties of his office as required by law, due regard being given to experience in teaching. Such superintendent must be of good moral character, and shall hold his office for a term of two years from the date of his election and until his successor is elected and qualified. Any person who has filled the office of county superintendent for four years next preceding the eleventh day of March, one thousand nine hundred and one, shall be eligible to such office in Bertie and Bladen and Columbus counties, if the election of such person meets the approval of the State Board of Education. In case of vacancy, by death, resignation or otherwise, in the office of county superintendent, such vacancy shall be filled by the county board of education: *Provided*, that any county whose total school fund does not exceed fifteen thousand dollars may unite with any adjoining county and by agreement between the county boards of education of the two counties, meeting in joint session, may employ a county superintendent who shall devote his entire time to supervising impartially the educational work of the counties thus employing him. The agreement between the two county boards thus jointly employing one county superintendent, as to the apportionment of his salary and expenses, the division of his time and all other essential details, shall be recorded in the minutes of the board of education of each county.

The county superintendent of public instruction shall have authority to administer oaths to teachers and all subordinate school officials where an oath is required of the same.

1901, c. 4, s. 16; 1903, c. 435, s. 5; 1911, c. 135; 1913, c. 149.

[The county superintendent's office is the most important office in the county. He need not be a resident of the county when elected. If possible, he should be paid salary large enough to enable him to devote all his time to his work.]

4136. REPORT OF ELECTION OF, TO STATE SUPERINTENDENT. Immediately after the election of the county superintendent of public instruction the chairman of the county board of education shall report to the State Superintendent of Public Instruction the name, address, experience and qualifications of the person elected; and the person elected shall report to the State Superintendent, as soon as he shall have qualified, the date of such qualification.

1901, c. 4, s. 16; 1903, c. 435, 5.

4137. DISTRICTS IN CITIES AND TOWNS MAY JOINTLY EMPLOY. By and with the consent of the county board of education, the school committees of two or more contiguous districts in any city or town may, by a majority vote of the committee in each district, employ a practical teacher, who shall be known as the superintendent of the public schools of such districts, and he shall perform all the duties of the county superintendent of public instruction as to such districts, and shall make to the county superintendent all reports that may be necessary to enable him to make his reports to the State Superintendent.

1889, c. 199, s. 47; 1901, c. 4, s. 74.

4138. NOT TO TEACH SCHOOL; TO RESIDE IN THE COUNTY. Every county superintendent shall reside in the county of which he is superintendent. It shall not be lawful for any county superintendent to teach a school while the public schools of his county are in session; but the State Board of Education may, for good and sufficient reason, permit a county superintendent to so teach.

1901, c. 4, s. 44.

4139. EX OFFICIO SECRETARY TO THE BOARD; RECORDS TO BE KEPT. The county superintendent of public instruction shall be *ex officio* the secretary of the county board of education. He shall record all proceedings of the board, issue all notices and orders that may be made by the board pertaining to the public schools, schoolhouses, sites or districts (which notices or orders it shall be the duty of the secretary to serve by mail or by personal delivery, without cost), and record all school statistics, look after all forfeitures, fines and penalties, see that the same are placed to the credit of the school fund, and report the same to the board. The board shall provide the county superintendent with an office at the county seat, in the county courthouse if possible, and with a suitable book in which to keep the records required by this section. The records of the board and the county superintendent shall be kept in the office provided for that purpose by the board.

1901, c. 4, s. 36.

[It is very important to keep full and accurate records and to look closely after the proper disposition of all fines, forfeitures and penalties. An account book will be furnished on application to the State Superintendent. The superintendent should report to the solicitor all failures to apply the moneys from fines, etc., to their proper purpose.]

4140. TO HOLD TEACHERS' MEETINGS. The county superintendent shall each year hold not less than one teachers' meeting in each township, which the teachers shall be required to attend. If necessary, one school day must be set apart for this purpose.

1901, c. 4, s. 38; 1903, c. 435, s. 17.

[For convenience, by order of County Board two or more townships may be combined for such meetings.]

4141. MUST ADVISE AND MAY SUSPEND TEACHERS; MUST ATTEND STATE AND DISTRICT ASSOCIATIONS OF SUPERINTENDENTS. It shall be the duty of the county superintendent to advise with the teachers as to the best methods of instruction and school government, and to that end he shall keep himself thoroughly informed as to the progress of education in other counties, cities and States. He shall have authority to correct abuses, and to this end he may, with the concurrence of a majority of the school committee, suspend any teacher who may be guilty of any immoral or disreputable conduct or may prove himself incompetent to discharge efficiently the duties of a public school teacher or who may be persistently neglectful of such duties. The county superintendent shall be required to visit the public schools of his county while in session, and shall inform himself of the condition and needs of the various schools within his jurisdiction. *He is hereby required to make at the end of each calendar month during the year a brief report to the county board of education, setting forth a statement of his work and activities and of the educational progress in the county for the month. This report shall be made upon blanks prepared and furnished by the State Department of Public Instruction, and a copy of each monthly report shall be sent*

to the State Superintendent of Public Instruction. Unless providentially hindered, he shall attend continuously during its session the annual meeting of the State Association of County Superintendents, and the annual meeting of the District Association of County Superintendents, and the county board of his county shall pay out of the county school fund his traveling expenses, including board, and allow him his per diem while attending such meeting; but county superintendents employed on salary shall not receive any per diem while in attendance on such meeting.

1901, c. 4, s. 39; 1903, c. 435, s. 18; 1905, c. 533, s. 10; 1911, c. 135; 1917, c. 285.

[It is mandatory that the county superintendent visit the schools, and county boards of education must see that the law is properly observed.]

4142. MUST DISTRIBUTE BLANKS AND BOOKS AND ADVISE COMMITTEES. It shall be the duty of the county superintendent to distribute to the various school committees of his county all such blanks as may be furnished by the State Superintendent of Public Instruction for reports of school statistics of the several districts; also blanks for teachers' reports and for orders on the treasurer of the county school fund for teachers' salaries. He shall also distribute to the school committees school registers for their respective districts and necessary record books; he shall advise with the committee as to the best methods of gathering the school statistics contemplated by such blanks, and by all proper means shall seek to have statistics fully and properly reported.

1901, c. 4, s. 40.

4143. MUST MAKE REPORTS TO STATE SUPERINTENDENT. It shall be the duty of each county superintendent, on or before the first Monday in July of each year, to report to the State Superintendent of Public Instruction an abstract statement of the number, grade, race and sex of the teachers examined and approved by him during the year; also the number of public schools taught in the county during the year for each race, the number of children of school age in each school district, the number enrolled in each district, the average daily attendance in each district, by race and sex, and the number of all persons in the county between the ages of twelve and twenty-one who can not read and write. He shall also report, by race and sex, the number of pupils enrolled in all the schools, their average attendance, the average length of terms of the schools and the average salary for the teachers of each race; the number of school districts for each race, and any new school districts laid out during the year shall be specified in his report. He shall also report the number of public schoolhouses and the value of the public school property for each race, the number of teachers' institutes held, the number of teachers attending such institutes, together with such suggestions as may occur to him promotive of the school interest of the county. He shall record in his book an accurate copy of such report. If any county superintendent fail or refuse to perform any of the duties required of him by this chapter, he shall be subject to removal from his office by the county board of education upon the complaint of the State Superintendent of Public Instruction.

1901, c. 4, s. 41.

[Copies of all reports made should be recorded in the record book of the county board for future reference. It would be well to record, also, the treasurer's report.]

4144. TO REPORT AS TO DEAF AND DUMB AND BLIND CHILDREN. It shall be the duty of the county superintendent to require of the school committees, in enumerating the number of school children, to make a statement in the report of the number of deaf and dumb and blind between the ages of six and twenty-one years, designating the race and sex, and the address of the parent or guardian of such children; and the county superintendents are hereby required to furnish such information to the principals of the deaf and dumb and blind institutions; and the Superintendent of Public Instruction, in preparing blanks for reports required to be made to him, shall include questions the answers to which will furnish the information required by this section.

1901, c. 4, s. 43.

SALARY OF COUNTY SUPERINTENDENT. The salary of the county superintendent of schools shall be fixed by the county board of education. It shall not be less than three dollars per day while engaged in the service of the public schools. The county board of education may fix an annual salary not to exceed four per cent of the disbursements for schools under his supervision. The county board of education of any county whose total school fund exceeds fifteen thousand dollars may employ a county superintendent, for all of his time, at such salary as may be fixed by said board.

Revisal of 1905, v. I, c. 66, s. 2782.

X. THE POWERS AND DUTIES OF THE SCHOOL COMMITTEE

Summary.—THE SCHOOL COMMITTEE IS COMPOSED OF THREE PERSONS. ONE MEMBER IS APPOINTED BY THE COUNTY BOARD ON THE FIRST MONDAY IN JULY, EACH YEAR, FOR A TERM OF THREE YEARS. THESE MAY BE TOWNSHIP OR DISTRICT COMMITTEEMEN, AS THE COUNTY BOARD MAY DETERMINE. EACH SCHOOL COMMITTEE MUST ELECT A CHAIRMAN AND A SECRETARY, AND KEEP AN ACCURATE RECORD OF ALL ITS PROCEEDINGS, AND CONTROL AND CARE FOR THE PUBLIC SCHOOL PROPERTY IN THE PUBLIC INTEREST. THE COMMITTEE IS ALSO CHARGED WITH TAKING THE SCHOOL CENSUS, WITH ASCERTAINING THE NUMBER OF DEAF AND DUMB AND BLIND CHILDREN, AS WELL AS THE NUMBER OF ILLITERATE CHILDREN, BETWEEN THE AGES OF TWELVE AND TWENTY-ONE, AND THE NUMBER OF ADULT ILLITERATES. THE SCHOOL COMMITTEE CAN NOT EXPEND ANY MONEY APPORTIONED FOR INCIDENTAL EXPENSES WITHOUT THE CONSENT OF THE COUNTY BOARD; AND THEY MUST KEEP AN ACCURATE RECORD OF THE EMPLOYMENT OF TEACHERS AND OF ANY SPECIAL FUNDS DISBURSED BY THEM. THEY ARE PROHIBITED FROM OVERDRAWING THE AMOUNT TO THE CREDIT OF THE DISTRICT, AND FROM MAKING A CONTRACT BEYOND THEIR TERM OF OFFICE. CONTRACTS WITH PRIVATE SCHOOLS MAY BE MADE, BY WHICH THE PUBLIC SCHOOL MAY BE TAUGHT IN CONNECTION WITH SUCH SCHOOLS. NO MONEY FOR DISTRICT EXPENSES OF ANY KIND OR FOR THE SALARIES OF TEACHERS MAY BE PAID BY THE COUNTY TREASURER EXCEPT ON AN ORDER SIGNED BY A MAJORITY OF THE COMMITTEE.

4145. QUALIFICATIONS AND ELECTION OF; CARE TAKEN OF SCHOOLHOUSES. The county board of education of each county shall, on the first Monday in July, one thousand nine hundred and thirteen, appoint in each of the townships of the county three intelligent men of *good moral character* and of good business qualifications who are known to be in favor of public education, who shall serve as follows: one for three years, one for two years, and one for one year from the date of their appointment as school committeemen in their

respective townships and until their successors are elected and qualified. On the first Monday in July of each succeeding year, the board of education shall appoint one member of the school committee in place of the member whose term of office has just expired, and who shall continue in office for a period of three years and until his successor is duly appointed and qualified. If a vacancy shall occur at any time, by death, resignation or otherwise, it shall be the duty of the county board of education to fill such vacancy. Such board shall have the power to pay out of the reserve school fund to each member of the township committee thus appointed one dollar per day for not more than four days per annum. Such township committee must take the census in their township by districts, and shall be paid for taking the same at the rate of two cents per name, and may be paid each one dollar per day for not exceeding four days each year for such additional services as may be rendered by the committee in the discharge of their legal duties. Every township committee shall appoint one man in each school district in the township to look after the schoolhouse and property and advise with the committee. The county board of education in each county may, if it deem best, on the first Monday in July, 1913, instead of electing township committeemen, elect for each school of the several townships three school committeemen of intelligence, *good moral character* and good business qualifications who are known to be in favor of public education, who shall serve as follows: one for three years, one for two years, and one for one year from the date of their appointment as committeemen and until their successors are appointed and qualified. And the board of education shall, on the first Monday of July of each succeeding year, appoint one member of the school committee in place of the member whose term of office has just expired and who shall continue in office for a term of three years and until his successor is duly appointed and qualified. If a vacancy should occur at any time, by death, resignation or otherwise, it shall be the duty of the county board of education to fill such vacancy; and in case such school committeemen shall be elected as above, all the powers and duties conferred under this chapter on the township committeemen shall vest in such committeemen of the several schools of the township, who shall serve without compensation.

1901, c. 4, s. 17; 1903, c. 435, s. 6; 1905, c. 533, ss. 17, 18; 1909, c. 769; 1913, c. 149; 1917, c. 285.

[The committee system should be uniform; there should be only township committeemen in a county, or only district committeemen. Those counties which have adopted the township system find it satisfactory. The general adoption of the township system in this State would be desirable.]

4146. TO ELECT CHAIRMAN AND SECRETARY; APPEALS FROM. The school committee, as soon as practicable after their election and qualification, not to exceed twenty days, shall meet and elect from their number a chairman and secretary, and shall keep a record of their proceedings in a book to be kept for that purpose. The name and address of the chairman and secretary shall be reported to the county superintendent of public instruction and recorded by him.

1901, c. 4, s. 18.

[A record book for committeemen will be supplied by the county superintendent.]

4147. POWERS AND DUTIES AS TO SCHOOL PROPERTY. The school committee shall be entrusted with the care and custody of all schoolhouses, schoolhouse

sites, grounds, books, apparatus or other public school property in the township, with full power to control the same, as they may deem best for the interest of the public schools and the cause of education.

1901, c. 4, s. 19.

4148. CENSUS TO BE TAKEN; REPORTS; DEAF AND DUMB, BLIND, AND ILLITERATE TO BE REPORTED. The school committee of each township or district is hereby required to furnish annually to the county superintendent of schools a census report of all the children of school age in the township or district by name, age, sex, and race, and the names of their parents or guardians. The blanks upon which such reports are to be made shall be furnished to the various school committees by the county superintendent at least two weeks prior to the beginning of the school term in each district, and the report, duly sworn to by the person taking the census, and signed and approved by the members of the committee, shall be returned to the county superintendent on or before the first day of the school term of each school year; and any committee failing to comply with the provisions of this section, without just cause, shall be subject to removal. The school committee is authorized to designate one of the teachers, or some other competent person in each school district, to take the census. The committeeman, or other person taking the census, shall be allowed a sum not exceeding three cents per name for all names reported between the ages of six and twenty-one. The committee shall furnish to the teacher at the opening of the school a complete copy of the census furnished to the county superintendent, which shall be recorded by the teacher in the school register. The census record entered in the register shall show the name, age, and sex of each child of school age in that district, together with the names and addresses of the parents or guardians. The census report shall show also the number of children of compulsory attendance age, and the committee shall furnish the attendance officer a separate list of all children subject to compulsory attendance, containing the name, age, race, and sex of each and the names of their parents or guardians.

There shall also be reported, by race and sex, the number and names of all persons between the ages of twelve and twenty-one who cannot read and write and the number and names, by race and sex, of all persons over twenty-one years of age who cannot read and write, and the number of deaf and dumb and blind between the ages of six and twenty-one years, designating the race and sex and the address of the parents or guardians of such children.

The committee shall also report to the county superintendent, who in turn shall report to the county board of education, the number of public school-houses and the value of all public school property for each race, separately.

1901, c. 4, ss. 20, 43; 1901, c. 3, s. 1; 1903, c. 435, s. 7; 1911, c. 135; 1915, c. 236.

[It is strongly recommended that if possible the teacher or principal of each school be employed to take this census accurately immediately before the beginning of the school term each year, thereby affording opportunity to become acquainted with parents, children, and conditions in the district.]

4149. TO KEEP A RECORD OF RECEIPTS AND EXPENDITURES; PURCHASE SUPPLIES. The school committee for each township or district shall keep a book in which shall be recorded an itemized statement of all moneys apportioned to, received and expended by them for each school, and a copy of all contracts made by them with teachers. The committee shall have authority to purchase

the supplies necessary for conducting the schools and for repairs, to an amount not to exceed in the aggregate the sum of twenty-five dollars in any one year for each school; but nothing in this section shall be so construed as to give school committees the right to make expenditures without the order of the county board.

1901, c. 4, ss. 21, 35; 1905, c. 533, s. 19.

[The county superintendent should furnish the committeemen a record book in which to keep their accounts.]

4150. MUST NOT OVERDRAW. No committee shall give an order unless the money to pay it is actually to the credit of the district, and no part of the school fund for one year shall be used to pay school claims for any previous year.

1901, c. 4, s. 34; 1903, c. 435, s. 16.

4151. PRIVATE SCHOOLS, COMMITTEE MAY CONTRACT WITH; EFFECT. In any school district where there may be a private school regularly conducted for at least six months in the year, unless such private school is a sectarian or denominational school, the school committee may contract with the teacher of such private school to give instruction to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, as prescribed in this chapter, without charge and free of tuition; and such school committee may pay such teacher for such service out of the public school fund apportioned to the district, and the agreement as to such pay shall be arranged between the committee and teacher. Every teacher of the public school branches in such school shall obtain a first grade certificate before beginning his or her work, and shall from time to time make such reports as are required of other teachers under this chapter. The county superintendents of public instruction shall have the same authority in respect to the employment and dismissal of teachers under this section, and in every other respect, as is conferred in other sections of this chapter; and all contracts made under this section shall designate the minimum length of the public school term, which shall not be less than the average length of the public school term of the county of the preceding year. The amount paid such private school for each pupil in the public school branches, based on the average daily attendance, shall not exceed the regular tuition rates in such school for such branches of study. Every school to which aid shall be given under this chapter shall be a public school, to which all children living within the district between the ages of six and twenty-one years shall be admitted free of charge for tuition: *Provided*, that in case of contract with the teacher of a private school, under this section, tuition may be charged for instruction in higher branches of study not mentioned in section four thousand and eighty-seven, if the apportionment of funds for the public school of the district would in the opinion of the county board of education be insufficient to provide instruction in these higher branches of study if the public school were taught separately. The committee may admit pay students over twenty-one years of age.

1901, c. 4, ss. 33, 65; 1903, c. 435, s. 15; 1905 c. 533, s. 12.

XI. THE TREASURER OF THE SCHOOL FUND

Summary.—THE COUNTY TREASURER IS TREASURER OF THE SCHOOL FUND, AND HE MUST GIVE A SEPARATE BOND FOR THE FAITHFUL DISCHARGE OF HIS DUTIES! HE IS ALSO REQUIRED TO KEEP AN ITEMIZED RECORD OF HIS RECEIPTS AND DIS-

BURSEMENTS OF THE SCHOOL FUND, AND TO PAY NO ORDER FOR MONEY UNLESS PROPERLY SIGNED BY THE COMMITTEE AND COUNTY SUPERINTENDENT. THE TREASURER IS ALSO REQUIRED TO BE IN HIS OFFICE ON THE LAST SATURDAY OF EACH MONTH, AND TO KEEP AN ACCOUNT WITH EACH TOWNSHIP AND SCHOOL DISTRICT ANNUALLY HE MUST REPORT TO THE STATE SUPERINTENDENT AND TO THE COUNTY BOARD, SETTING FORTH ALL THE MONEY TRANSACTIONS OF THE YEAR. THE COUNTY BOARD MAY REQUIRE REPORTS OFTENNER THAN ONCE A YEAR. FAILURE TO MAKE PROPER REPORTS CONSTITUTES A MISDEMEANOR. THE COMPENSATION OF THE TREASURER IS TO BE FIXED BY THE COUNTY BOARD, NOT TO EXCEED TWO PER CENT OF HIS DISBURSEMENTS. HE IS ALLOWED NO COMMISSION ON DISBURSEMENT OF STATE LOAN FUND OR FUNDS FROM BONDS UNDER STATE-WIDE BOND ACT, CHAPTER 55. PUBLIC LAWS 1915, AMENDED 1917.

4152. COUNTY TREASURER MADE TREASURER OF SCHOOL FUND; BOND. The county treasurer of each county shall receive and disburse all public school funds, and shall keep the same separate and distinct from all other funds; but before entering upon the duties of his office he shall execute a justified bond, with security, in an amount to be fixed by the board of county commissioners, not less than the moneys received by him or by his predecessor during the previous year, conditioned for the faithful performance of his duties as treasurer of the county school fund, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended. The bond of the treasurer of the county school fund shall be a separate bond, not including liabilities for other funds, and shall be approved by the board of county commissioners, and that board may from time to time, if necessary, require him to strengthen his bond.

COMPENSATION OF COUNTY TREASURER FOR RECEIVING AND DISBURSING SCHOOL FUNDS. (Rev. 1905, sec. 2778.) The county treasurer shall receive as compensation in full for all services required of him such a sum, not exceeding one-half of one per cent on moneys received and not exceeding two and a half per cent on moneys disbursed by him, as the board of county commissioners of the county may allow. As treasurer of the county school fund he shall receive such sum as the board of education may allow him, not exceeding two per cent on disbursements: *Provided*, that said treasurer shall be allowed no commission or compensation for receipts and disbursements of any loan or loans made to the county by the State Board of Education under section four thousand and fifty-three of the Revisal of one thousand nine hundred and five: *Provided*, that in counties where his compensation can not exceed the sum of two hundred and fifty dollars the said treasurer may be allowed a sum not exceeding two and a half per cent on his receipts and his disbursements: *Provided further*, that the County Treasurer of Buncombe County shall receive as compensation in full for all services required of him seventeen hundred and fifty dollars per annum, paid *pro rata* from the county fund and the school fund. The County Treasurer of Gaston County shall receive as compensation in full for all services required of him a yearly salary not exceeding twelve hundred dollars to be fixed by the commissioners of said county. The County Treasurer of Mecklenburg County shall receive as compensation in full for all services required of him a yearly salary not exceeding twenty-seven hundred and fifty dollars, to be fixed by the commissioners of said county; said salaries to be in lieu of all commissions allowed by law. The Treasurer of Martin County shall receive as his commissions two and one-half per cent on all money received by him as general county

fund and two and one-half per cent on all money disbursed by him as general county fund. Commissions on school fund shall remain as already provided by law.

1901, c. 4, ss. 46, 47; Revisal 1905, c. 66, s. 2778; 1913, c. 149.

4153. BOND, ACTION ON. The board of county commissioners shall bring action in the name of the State upon the relation of such board for any breach of the bond of the treasurer of the county school fund, and on its failure to bring such action it may be brought in the name of the State on the relation of any taxpayer.

1901, c. 4, s. 47.

4154. TO KEEP DETAILED ACCOUNT OF RECEIPTS; TO ACCEPT MONEY ONLY. The treasurer of the county school fund shall keep a book in which shall be entered a full and detailed account of all public school moneys received by him, the name of each person paying him school money, the source from which the same may have been derived, and the date of such payment. In his settlement with the sheriff or other collecting officer of public school funds the treasurer shall receive money only.

1901, c. 4, s. 52.

4155. TO PAY ONLY SUCH ORDERS AS ALLOWED HEREIN. Every order for the payment of a teacher's salary, for building, repairs, school furnishing or for the payment of money for any purpose whatsoever, before it shall be a valid voucher for the county treasurer, shall be signed first by at least two members of the school committee, then by the county superintendent. No order shall be signed by the county superintendent for more money than is to the credit of that district for the fiscal year, nor shall he endorse the order of any teacher who does not produce a certificate as required by law. The treasurer shall not pay any school money for building or repairing any schoolhouse unless the site on which it is located has been donated to or purchased by the county board of education and the deed for the same regularly executed and delivered to such board and probated and registered in the office of the register of deeds for the county and delivered to the clerk of the Superior Court, to be by him safely deposited with his valuable official papers and surrendered to his successor in office.

1901, c. 4, s. 48.

4156. TO BE AT HIS OFFICE ON LAST SATURDAY IN MONTH. The treasurer of the county school fund shall, on the last Saturday of each month, attend at his office for the purpose of paying school orders, but this shall not prevent the payment of orders at other times.

1901, c. 4, s. 58.

4157. TO KEEP AN ACCOUNT WITH EACH TOWNSHIP AND DISTRICT; ANNUAL REPORT OF BALANCES. It shall be the duty of the treasurer of the county school fund to keep a book in which he shall open an account with each township in the county, showing the amount apportioned to such township by the county board of education. He shall also open an account with each school district, showing the amount apportioned to such district. He shall record all payments of school money, giving the date, the amount, the person to whom paid and for what purpose paid. He shall balance the account of each township and district annually on the thirtieth of June, and shall report by letter or printed circular, within ten days thereafter, such balances to the county board of education and to the school committee.

1901, c. 4, s. 49.

4158. TO REPORT ANNUALLY TO STATE SUPERINTENDENT AND TO COUNTY BOARD. The treasurer of any county, town or city school fund shall report to the State Superintendent of Public Instruction on the first Monday of August of each year the entire amount of money received and disbursed by him during the preceding school year, designating by items the amounts received, respectively, from property tax, poll tax, liquor licenses, fines, forfeitures and penalties, auctioneers, estrays, from State Treasurer and from other sources. He shall also designate by item the sum paid to teachers of each race, respectively, for schoolhouses, school sites in the several districts, and for all other purposes, specifically and in detail, by item, and on the same date he shall file a duplicate of such report in the office of the county board of education. He shall make such other reports as the county board of education of the county may require from time to time. Whenever the sheriff or other collecting officer pays over money to the treasurer of the school fund he shall designate the items as indicated in this section, and these items shall be stated in the receipts given by the treasurer. In all counties in which the office of county treasurer has been abolished all banks or other corporations handling the public school funds shall be required to make all reports thereof required of the treasurer of the county school funds under sections four thousand one hundred and fifty-seven and four thousand one hundred and fifty-eight of the Revisal of one thousand nine hundred and five as amended by any subsequent legislation.

1901, c. 4, ss. 51, 56; 1913, c. 149; 1915, c. 236.

4159. DUTIES ON EXPIRATION OF HIS TERM. Each treasurer of the county school fund, in going out of office, shall deposit in the office of the board of education of his county his books in which are kept his school accounts, and all records and blanks pertaining to his office. If the term of office of any treasurer shall expire on the thirtieth day of November during any fiscal school year; or if for any reason he shall hold office beyond the thirtieth day of November and not for the whole of the current fiscal school year, he shall at the time he goes out of office file with the county board of education and with his successor a report, itemized, as required by the next preceding section, covering the receipts and disbursements for that part of the fiscal school year from the thirtieth of June preceding to the time at which he turns over the office to his successor, and his successor shall include in his report to the State Superintendent the receipts and disbursements for the current fiscal year.

1901, c. 4, ss. 57, 58.

4160. TO EXHIBIT BOOKS, VOUCHERS AND MONEY TO COUNTY BOARD. The treasurer of the county school fund shall, when required by the county board of education, produce his books and vouchers for examination and shall also exhibit all moneys due the public school fund of the county at such settlement required by this chapter.

1901, c. 4, s. 50.

TREASURER FAILING TO REPORT. (Rev. 1905, sec. 3839.) If any treasurer of the county, town or city school fund shall fail to make reports required of him at the time and in the manner prescribed, or to perform any other duties required of him by law, he shall be guilty of a misdemeanor and be fined not less than fifty dollars and not more than two hundred dollars or imprisoned not less than thirty days nor more than six months, in the discretion of the court.

Revisal of 1905, v. I, c. 81, s. 3839; 1913, c. 149.

XII. PRIVILEGES AND DUTIES OF TEACHERS

Summary.—ALL TEACHERS ARE ELECTED BY THE SCHOOL COMMITTEE, BUT ELECTION MUST BE APPROVED BY THE COUNTY SUPERINTENDENT. A TEACHER CAN NOT BE DISMISSED EXCEPT FOR CAUSE, AFTER WRITTEN CHARGES HAVE BEEN PREFERRED AND AN INVESTIGATION HELD. NO CONTRACT IS LEGAL UNLESS IT WAS ENTERED INTO WITH THE COMMITTEE AT A REGULARLY CALLED MEETING, AND UNLESS THE CONTRACT DOES NOT EXTEND BEYOND THE TERM OF OFFICE OF THE COMMITTEE, AND UNLESS THE COMPENSATION WHICH THE CONTRACT NAMES IS WITHIN THE SALARY LIMIT PRESCRIBED BY THE COUNTY BOARD FOR THE PARTICULAR SCHOOL CONTRACTED FOR. EXAMINATION AND CERTIFICATION OF TEACHERS AND SUPERINTENDENTS ARE UNDER THE CONTROL OF THE STATE BOARD OF EXAMINERS AND INSTITUTE CONDUCTORS. SEE CHAPTER 146, PUBLIC LAWS 1917. THE SECOND GRADE CERTIFICATE ENTITLES THE HOLDER TO TEACH ONE YEAR AND LIMITS THE HOLDER'S SALARY TO \$35 PER MONTH. HOLDERS OF THIRD-GRADE CERTIFICATES CAN BE EMPLOYED ONLY AS ASSISTANTS. ALL TEACHERS MUST BE 18 YEARS OF AGE OR OVER. NO DIPLOMA OF ANY COLLEGE OR NORMAL SCHOOL GIVES ITS HOLDER THE RIGHT TO TEACH, THOUGH CREDITS MAY BE ALLOWED BY THE STATE BOARD OF EXAMINERS ON THE BASIS OF ACADEMIC AND PROFESSIONAL TRAINING. EVERY TEACHER MUST KEEP CERTAIN RECORDS AND MAKE CERTAIN REPORTS BEFORE SALARY CAN BE COLLECTED; MUST ENCOURAGE MORALITY AND GOOD ORDER AND MAINTAIN DISCIPLINE. EVERY TEACHER IS REQUIRED ONCE EVERY TWO YEARS TO ATTEND THE COUNTY INSTITUTE, IF HELD. IMMORAL AND WILLFULLY DISOBEDIENT PUPILS MAY BE DISMISSED BY THE TEACHER. THERE IS NO REGULATION FORBIDDING CORPORAL PUNISHMENT.

4161. SCHOOL COMMITTEE TO EMPLOY AND DISMISS TEACHERS; NOTICE; CONTRACTS. The school committee shall have authority to employ and dismiss teachers, but no teacher shall be dismissed until charges shall have been filed in writing with the county superintendent, and after a hearing shall have been had before the committee of the district in which such teacher is teaching, after two days notice to such teacher. The committee shall meet at convenient times and places for the employment of teachers for the public schools, and no teacher shall be employed by any committee except at a regularly called meeting of such committee, due notice of such meeting having been given at three public places by the committee. The county board of education of each county shall fix annually a day and place in each township for the meeting of the township or district committeemen of said townships, who shall, in conference with the county superintendent, with whom application must have previously been filed by all applicants, select the teachers for their respective schools, except for rural public high schools: *Provided*, that no election of any teacher or any assistant teacher shall be deemed valid until such election has been approved by the county superintendent; and no voucher for the salary of a teacher of any school shall be signed by any county superintendent unless a copy of such teacher's contract has been filed with him as herein provided, and unless he shall have received satisfactory evidence that such teacher has been elected in strict accordance with this section. No contract for teachers' salaries shall be made during any year to extend beyond the term of office of the committee, nor for more money than accrues to the credit of the district for the fiscal year during which the contract is made.

4162. [Repealed, chapter 146, section 12, Public Laws 1917.]

4163. AGE, QUALIFICATIONS, CERTIFICATES, GRADES AND PAY OF; SCHOOL MONTH DEFINED. No person shall be employed as a teacher who does not produce a certificate from the county superintendent or State Superintendent of Public Instruction, dated within the time prescribed by law and continuing to the end of the term. No assistant teacher shall be employed in any one-teacher school until the average daily attendance shall have reached at least forty pupils, and in case the reports of any teacher shall for four consecutive weeks show an average daily attendance of less than forty pupils the assistant teacher may be dismissed. *There shall be an average daily attendance of not less than twenty pupils for each additional teacher employed.* No certificate to teach shall be issued to any person under eighteen years of age. Teachers of second grade shall receive not more than thirty-five dollars per month out of the public fund, and teachers of the first grade may receive such compensation as shall be agreed upon. Teachers of the third grade shall receive not more than twenty dollars per month, but no third-grade certificate shall be renewed and no holder of a third-grade certificate shall be employed except as an assistant teacher. No teacher shall receive any compensation for a shorter term than one month, unless providentially hindered from completing the term. Twenty school days of not less than six hours nor more than seven hours each day shall be a month. The school term shall be continuous, as far as practicable. All laws and clauses of laws granting to or conferring upon the graduates or ex-students or students of any institution of learning, private or public, within this State or elsewhere, immunity, exemption or freedom from the operation of laws of this State requiring persons who desire to teach in free public schools of the State to submit to and pass regular examinations before the county superintendents before being duly qualified to serve as such teachers are hereby repealed. The county board of education shall fix, within the limits above prescribed, the maximum salary to be paid to teachers in each school in the county.

1901, c. 4, ss. 22, 24, 27, 34; 1901, c. 3, s. 2; 1901, c. 535; 1903, c. 435, ss. 9, 16; 1911, c. 135; 1913, c. 149; 1917 c. 285.

[Committeemen cannot contract to pay any teacher more than the salary fixed for the school by the county board. Such salary may be increased by private subscription and with approval of county board out of local tax funds.]

4164. SALARY, HOW PAID; CLOSING SCHOOLS FOR NONATTENDANCE OF PUPILS. At the end of every term of a public school the teacher or principal of the school shall exhibit to the school committee a statement of the number of pupils, male and female, the average daily attendance, the number of pupils completing elementary grades, the length of term and the time taught. If the committee is satisfied that the provisions of this chapter have been complied with, they shall give an order on the treasurer of the county school fund, payable to such teacher, for the full amount due for services rendered; but monthly, and, if required by the county superintendent, weekly statements and reports shall be made by the teacher to the committee and to the county superintendent. Orders on the treasurer shall be valid when signed by two members of the committee and countersigned by the county superintendent. When a monthly or weekly report of any school where the district does not contain over one hundred and fifty children shows an average daily attendance of less than one-fifth of the school census, the committee may,

with the approval of the county superintendent of schools, order the school to be closed, and the money due such school shall remain to the credit of that school; but all funds remaining to the credit of such school at the close of the school year, unused because of nonattendance, shall be returned to the general fund for reapportionment, unless such nonattendance shall have been caused by providential or other unavoidable causes; and the county board of education, upon the recommendation of the county superintendent, shall have authority to close any school for either race in any township before it shall have continued for the average length of school term for the township in case the attendance does not justify the continuance of the school, and the money remaining to the credit of such district thus closed for nonattendance shall be returned to the general school fund. The county board of education of each and every county is hereby authorized and directed to provide for the prompt payment of all teachers' salaries due at the end of each school month.

1901, c. 4, ss. 23, 24; 1903, c. 435, ss. 8, 9; 1905, c. 533, s. 4; 1913, c. 149.

[Monthly reports should be required of every teacher, so that this section can be intelligently carried out.]

4165. KEEP RECORD; REPORT TO COUNTY SUPERINTENDENT, ALSO TO STATE SUPERINTENDENT, WHEN. Every teacher or principal of a school to which aid shall be given under this chapter shall keep such record of the attendance and classification of pupils as shall be prescribed by the State Superintendent of Public Instruction or the county board of education; and at the end of each term, and, when requested, at other times, every teacher or principal shall report to the county superintendent of schools in such form and manner and on such blanks as shall be furnished by the county superintendent of schools or the State Superintendent of Public Instruction. At the end of every term every principal or teacher of a public school shall report to the county superintendent of schools the length of term of the school, the race for which it was taught, the number, the sex and average daily attendance of the pupils, and the number of the district in which the school is taught, the number of children on census blank not attending any school, number of children under seventeen years of age not attending any school, stating some causes why they did not attend; how many families having children of school age who did not send any of their children to school; how many families did, stating what personal effort had been made to get the children to attend school. The county superintendent shall not approve the final voucher for the salary of any principal or teacher until all reports have been made according to law and until the register has been properly filled out and filed with the county superintendent of schools. The principal or superintendent of every school or institution of learning supported in whole or in part by public funds shall report to the State Superintendent at such time and in such form as he may direct, and shall also report to the county superintendent of the county in which such school or institution of learning is situated.

1901, c. 4, ss. 64, 66; 1903, c. 435, s. 21; 1903, c. 533, s. 11.

[The county superintendent should always require all reports to be fully and accurately signed before he signs the teacher's voucher for the last month's salary.]

4166. TO MAINTAIN ORDER AND ENCOURAGE VIRTUE; TO DISMISS IMPROPER PUPILS. It shall be the duty of all teachers of free public schools to main-

tain good order and discipline in their respective schools; to encourage morality, industry and neatness in all of their pupils, and to teach thoroughly all branches which they are required to teach. Pupils who willfully and persistently violate the rules of the school and any of immoral life and character shall be dismissed by the teacher.

1901, c. 4, s. 63.

4167. [Repealed, chapter 146, section 12, Public Laws 1917.]

XIII. RURAL LIBRARIES

Summary.—IN ANY SCHOOL DISTRICT, INCORPORATED TOWNS HAVING AS MANY AS 1,000 INHABITANTS EXCEPTED, THERE MAY BE ESTABLISHED BY AID OF THE STATE, A SCHOOL LIBRARY. THE PATRONS AND FRIENDS OF THE SCHOOL ARE REQUIRED TO RAISE BY PRIVATE DONATIONS AS MUCH AS \$10 AND TENDER IT TO THE COUNTY TREASURER. THEREUPON THE COUNTY BOARD OF EDUCATION SHALL APPROPRIATE \$10 OUT OF THE GENERAL SCHOOL FUND OF THE COUNTY, AND THE COUNTY SUPERINTENDENT SHALL CERTIFY THE SAME TO THE STATE SUPERINTENDENT. THE STATE SUPERINTENDENT IS THEN REQUIRED TO SEND \$10 FROM THE STATE APPROPRIATION TO THE TREASURER OF THE COUNTY, AND THE \$30 USED IN THE PURCHASE OF BOOKS SELECTED FROM A LIST APPROVED BY THE STATE SUPERINTENDENT. THE COUNTY BOARD IS REQUIRED TO FURNISH OUT OF THE GENERAL SCHOOL FUND A NEAT BOOKCASE, WITH LOCK AND KEY. THE LIBRARY THUS ESTABLISHED SHALL BE CONDUCTED UNDER RULES AND REGULATIONS PRESCRIBED BY THE STATE SUPERINTENDENT. LIBRARIES MAY BE ENLARGED BY THE ADDITION OF \$15 WORTH OF BOOKS, \$5 OF WHICH MUST BE RAISED BY PRIVATE DONATIONS, \$5 BE APPROPRIATED OUT OF THE GENERAL COUNTY SCHOOL FUND, AND \$5 BE GIVEN OUT OF THE STATE APPROPRIATION; AND THE ADDITIONAL BOOKS MUST BE SELECTED FROM A LIST APPROVED BY THE STATE SUPERINTENDENT. AFTER TEN YEARS A DISTRICT IS ENTITLED TO RECEIVE AID FOR A SECOND LIBRARY.

NOTE.—Sections 4168-4171 relate to Indians of Robeson County and are printed after rural library sections.

4172. HOW ESTABLISHED; DUTIES OF SCHOOL OFFICIALS; MANAGER APPOINTED. Whenever the patrons and friends of any free public school in which a library has not already been established by aid of the State shall raise by private subscription and tender to the treasurer of the county school fund for the establishment of a library to be connected with such school the sum of ten dollars, the county board of education shall appropriate from the general county school fund the sum of ten dollars for this purpose, and shall appoint one intelligent person in the school district the manager of such library. The county board shall also appoint one competent person, well versed in books, to select books for such libraries as may be established under these provisions from lists of books approved by the State Superintendent of Public Instruction: *Provided*, that after any school district shall have had a library for ten years or longer under the provisions of this section, said school district shall be entitled to receive a second library in accordance with the foregoing provisions of this section.

1901, c. 662, s. 6; 1903, c. 226, s. 1; 1905, c. 381; 1915, c. 236.

4173. STATE BOARD OF EDUCATION TO CONTRIBUTE. As soon as such board shall have made an appropriation for a library in the manner prescribed, the county superintendent shall inform the secretary of the State Board of Edu-

cation of the fact, whereupon the State Board shall remit to the treasurer of the county school fund the sum of ten dollars additional for the purchase of books.

1901, c. 662, s. 7; 1903, c. 226, s. 2; 1905, c. 381, s. 2.

4174. BOOKS AND BOOKCASES, HOW PURCHASED. Within thirty days after the payment of the money to the treasurer of the county school fund, the person appointed to select the books shall submit the list of books to be purchased and prices of same, to such treasurer, who shall order the books at once. The treasurer shall receive no compensation except his regular commission. The county board shall furnish, at the expense of the general county school fund, a neat bookcase, with lock and key, to each library, upon application of the county superintendent.

1901, c. 662, s. 8; 1903, c. 226, s. 3; 1905, c. 381, s. 3.

4175. RULES TO BE MADE BY STATE SUPERINTENDENT. The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be established by the State Superintendent of Public Instruction, and shall, on or before June thirtieth of each year, make to the State Superintendent of Public Instruction such reports as he shall require.

1901, c. 662, s. 9; 1903, c. 226, s. 4; 1905, c. 381, s. 4.

[*The State Superintendent will furnish a copy of the rules on application.*]

4176. EXCHANGE OF LIBRARIES. The local managers of two or more libraries may, by agreement, exchange libraries; but no exchange shall be made oftener than once in six months, and no part of the expense of exchanging libraries shall be paid out of the public funds.

1901, c. 662, s. 10; 1903, c. 226; s. 5; 1905, c. 381, s. 5.

4177. ENLARGEMENT OF LIBRARIES, APPROPRIATIONS FOR. Whenever the patrons and friends of any free public school in which a library has been established under the provisions of this sub-chapter shall raise by private subscription and tender to the treasurer of the county school fund the sum of five dollars for the enlargement of the library, the county board of education shall appropriate from the general school fund the sum of five dollars, and the State Board of Education shall remit to the treasurer of the county school fund the sum of five dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries.

1903, c. 226, s. 6; 1905, c. 381, s. 6.

4178. NUMBER OF LIBRARIES LIMITED; CITIES AND TOWNS EXCLUDED, WHEN. Not more than six new libraries, in addition to those already established, shall be established biennially in any county under the provisions of the preceding sections, and not more than six libraries already established in any county shall be entitled biennially to the benefits of section six of this act: *Provided*, that after November thirtieth, one thousand nine hundred and six, and after November thirtieth of every second year thereafter, if any of the aforesaid biennial appropriation for the years ending on such date shall still be in the hands of the State Treasurer, any free public school which shall fulfill the conditions set forth in the preceding sections shall be entitled to receive the benefits of this act, regardless of the number of libraries already established in the county in which said school is located, until the aforesaid balance of each biennial appropriation available for the

purpose is exhausted. No school district in any incorporated town with a population exceeding one thousand persons shall receive any moneys under the provisions of this act.

1901, c. 662, s. 12; 1903, c. 226, s. 8; 1905, c. 381, ss. 8, 9.

[*After the biennial period has passed, the libraries not taken during that period may be taken by any county desiring them.*]

4179. ADDITIONAL APPROPRIATIONS OF STATE FUNDS. The sum of seven thousand five hundred dollars of the appropriation for the public schools of the State is hereby biennially appropriated and set apart to be expended by the State Board of Education under the provisions of this subchapter: *Provided*, that of each biennial appropriation a sum not exceeding five thousand dollars may be expended by the State Board of Education in the establishment of new libraries, and a sum not exceeding two thousand five hundred dollars may be expended by the State Board of Education in the enlargement of libraries according to the provisions of sections four thousand one hundred and seventy-seven of this subchapter: *Provided further*, that any balance of the biennial appropriation of two thousand five hundred dollars for the enlargement of libraries remaining in the hands of the State Treasurer at the end of each biennial period shall be used for the establishment of new libraries in accordance with the provisions of section four thousand one hundred and seventy-two of the Revisal of one thousand nine hundred and five of North Carolina.

1901, c. 662, s. 11; 1903, c. 226, s. 7; 1905, c. 381, s. 7; 1909, c. 525.

XIV. SEPARATE SCHOOLS FOR INDIANS OF ROBESON COUNTY

The provisions of the school law relating to the Croatan Indians of Richmond, Sampson, and Robeson counties are as follows:

4168. SEPARATE SCHOOLS FOR. The persons residing in Robeson, Sampson, and Richmond counties, supposed to be descendants of a friendly tribe once residing in the eastern portion of the State, known as Croatan Indians, and their descendants, shall be known and designated as the Indians of Robeson County, and they and their descendants shall have separate schools for their children, school committees of their own race and color, and shall be allowed to select teachers of their own choice, subject to the same rules and regulations as are applicable to all teachers in the general school law, and there shall be excluded from such separate schools for the Indians of Robeson County all children of the negro race to the fourth generation.

1885, c. 51, s. 2; 1889, c. 60, s. 1; 1911, c. 215.

4169. COUNTY BOARD TO CARRY PROVISIONS INTO EFFECT. It shall be the duty of the county board of education to see that the next preceding section is carried into effect, and shall for that purpose have the census taken of all the children of such Indians and their descendants between the ages of six and twenty-one, and proceed to establish such suitable school districts as shall be necessary for their convenience, and take all such other and further steps as may be necessary for the purpose of carrying such section into effect; and where any children, descendants of such Indians, shall reside in any district in such counties of Robeson and Richmond in which there are no separate schools provided for their race they shall have the right to attend any of the public schools in the county provided for their race, and their share of the public school fund shall be appropriated to their education upon the cer-

tificate of the school committee in the district in which they reside stating that they are entitled to attend such public schools.

1885, c. 51, ss. 3, 4.

4170. PRO RATA SHARE OF SCHOOL FUNDS KEPT SEPARATE. The treasurer of the county school fund and other proper authorities whose duties are to collect, keep, and apportion the school fund shall procure from the county board of education the number of children in the county between the ages of six and twenty-one, belonging to such Indian race, and shall set apart and keep separate their *pro rata* share of the school funds, which shall be paid out under the same rules in every respect as are provided in the general school law and in the next preceding section.

1885, c. 51, s. 4.

4171. GENERAL SCHOOL LAW APPLICABLE TO. The general public school law shall be applicable in all respects to such separate schools for the Indians of Robeson County, except where such general law is repugnant to these special provisions relating to such schools, and these special provisions for separate schools for Croatan Indians shall apply only to the counties of Robeson, Sampson, and Richmond.

1885, c. 51, s. 5; 1911, c. 215.

LAWS RELATING TO THE ADOPTION OF TEXT-BOOKS

4057. TEXT-BOOK COMMISSION CREATED. The State Board of Education is hereby constituted a State Text-book Commission, whose duty it is, acting conjointly with the subcommission, to select and adopt a uniform series or system of text-books for use in the public schools in the State of North Carolina, and who shall serve without compensation. The Governor shall be *ex officio* president of such commission and the Superintendent of Public Instruction its secretary.

1901, c. 1, ss. 1, 2, 7, 20; 1911, c. 118.

4058. POWERS; TERM OF CONTRACTS MADE BY. The commission may from time to time make any necessary regulations, not contrary to the provisions of this chapter, to secure the prompt distribution of the books herein provided for, and the prompt and faithful performance of all contracts. At any time within six months before the expiration of the contracts now in force for furnishing books to the public schools, the commission may advertise for new bids or proposals, as required by this chapter, and enter into such other contracts as they may deem best for the interest of the patrons of the public schools of the State. Any contract entered into or renewed shall be for the term of five years.

4059. TERM OF OFFICE AND POWERS. The commission shall maintain its organization during the five years of the continuance of the contract now in force, and at any time within six months before the expiration of the same shall advertise for new bids, or proposals, as required by this chapter in the first instance, and enter into such other contracts as it may deem best for the interest of the patrons of the public schools of the State; and the commission may from time to time make any necessary regulations not contrary to the provisions of this chapter to secure the prompt distribution of books herein provided for, and the prompt and faithful performance of all contracts.

1901, c. 1, s. 14; 1911, c. 118.

4060. CHARACTER AND REQUISITES OF BOOKS TO BE ADOPTED. The uniform series of text-books to be selected by the commission and the subcommission shall include the following branches, to wit: Orthography, defining, reading, writing, drawing, arithmetic, geography, grammar, language lessons, history of North Carolina containing the Constitution of the State, history of the United States containing the Constitution of the United States, physiology, hygiene, nature and effect of alcoholic drinks and narcotics, elements of civil government, elements of agriculture. None of such text-books shall contain anything of a partisan or sectarian character, and all shall be written or printed in English.

1901, c. 1, ss. 2, 8; 1911, c. 118.

4061. EXCLUSIVE USE OF BOOKS ADOPTED BY. The books adopted by the commission and subcommission as a uniform system of text-books shall be introduced and used as text-books, to the exclusion of all others, in all the public free schools in the State for a period of five years from the date of adoption; and it shall not be lawful for any school officer, director, or teacher to use any books upon the same branches other than those adopted by the

commission. Nothing herein shall prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed or adopted under the provisions of this chapter; nor shall anything herein prevent the teaching in any school any branch higher or one more advanced than is embraced in the next preceding section, nor the use of any book upon such higher branch of study, but such higher branch shall not be taught to the exclusion of the branches mentioned and set out in the next preceding section.

4062. CAN PURCHASE ELSEWHERE WHEN CONTRACTOR FAILS TO SUPPLY; TEACHER ALLOWING OTHER BOOKS DISMISSED. Nothing herein shall prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way, in case no contract shall be made or the contractor fails or refuses to furnish the books provided for in this chapter at the time required for their use in the respective schools. If any teacher shall willfully use or permit to be used in his school any text-book upon the branches embraced in this chapter, where the commission has adopted a book upon that branch, other than the one so adopted, the county board of education shall discharge and cancel the certificate of such teacher or school superintendent; but they may use or permit to be used such book or books as may be owned by the pupils of the school at the time of the adoption until such books are worn out, not exceeding one year from the date of adoption.

1901, c. 1, ss. 2, 16, 17, 18; 1911, c. 118.

4063. SUBCOMMISSION TO BE APPOINTED. It shall be the duty of the Governor and the State Superintendent of Public Instruction to appoint a subcommission of six members, to be selected from among the teachers or county superintendents actually engaged in school work in this State; and members of the subcommission actually serving shall be paid a per diem of four dollars per day during the time that they are actually engaged in such service, and in addition shall be repaid all money actually expended by them in payment of necessary expenses, to be paid out of the public funds of the State Treasury, and they shall make out and swear to an itemized statement of such expenses.

1907, c. 835, s. 1, par. (b); 1911, c. 118, s. 1, par. (f).

4064. OATH OF SUBCOMMISSIONERS. Each member of the subcommission, before entering upon the discharge of his duties, shall take and subscribe an oath to act honestly, conscientiously, and faithfully, and that he is not now, has not within two years prior to his appointment, been agent or attorney for or in the employment of or interested in any book or publishing house, concern or corporation making or proposing to make bids for the sale of books, pursuant to the provisions of this chapter, and that he will carefully and faithfully examine all books submitted, and make true report thereon, as herein directed and prescribed. Such oath shall be filed in the office of the Secretary of State.

1901, c. 1, s. 5.

4065. EXAMINATION OF BOOKS BY SUBCOMMISSION, AND REPORT THEREON. To the subcommission shall be referred all books sent to the State Text-book Commission as specimen copies or samples upon which bids are to be based; and it shall be the duty of the subcommission, in executive session, to examine and report upon the merits of the books, irrespective of the price, taking into consideration the subject-matter of the books, their printing, their

material, and their mechanical qualities and their general suitability and desirability for the purposes for which they are desired and intended. The subcommission shall report to the commission at such time as the commission shall direct, arranging each book in its class or division and reporting books in the order of their merit, pointing out the merits and demerits of each, and indicating what book it recommends for adoption first, what book is its second choice, and its third choice, and so on, pursuing this plan with the books submitted upon each branch of study; and if the subcommission shall consider different books upon the same subject or of the same class or division of approximately even merit, all things being considered, it shall so report, and, if it considers that any book offered is of such a class as to make it inferior and not worthy of adoption, shall in its report so designate such book. In its report it shall make such recommendations and suggestions to the commission as it shall deem advisable and proper to make.

1901, c. 1, ss. 3, 4.

4066. REPORT, WHEN OPENED AND WHERE FILED. The report of the subcommission shall be kept secret and sealed up and delivered to the secretary of the commission, and shall not be opened by any member of the commission until the commission and the subcommission shall meet in joint executive session to open and consider the bids or proposals of publishers or others desiring to have books adopted by the commission; and when such commission shall have finished with such report it shall be filed and preserved in the office of the Superintendent of Public Instruction, and shall be open at all times for public inspection.

1901, c. 1, ss. 4, 6; 1911, c. 118.

4067. SELECTION AND ADOPTION OF BOOKS BY THE COMMISSION AND THE SUBCOMMISSION. The commission and subcommission in their selection and adoption of a uniform series of text-books shall consider the merits of the books, taking into consideration their subject-matter, the printing, binding, material, and mechanical quality, their general suitability, and desirability for the purposes intended, and the price. The Text-book Commission and the subcommission in joint session shall select and adopt such books as will, in their judgment, best accomplish the ends desired; and in case any books are deemed by them suitable for adoption and more desirable than other books of the same class or division submitted, and in case they consider the price at which such books are offered to be unreasonably high, and that the same should be offered at a smaller price, they are hereby authorized and directed to notify immediately the publishers of such books of their decision, and request such reduction in price as they deem reasonable or just; and if they shall agree on a price with such publishers they may adopt such books; but upon failure to agree upon price, they shall use their sound judgment and discretion as to the adoption of those or of other books deemed by them to be the next best in the list submitted.

1911, c. 118, s. 1, par. (h).

4068. ADVERTISEMENT FOR BIDS. At any time within six months before the expiration of the now existing contracts, the commission shall advertise, in such manner and for such a length of time and at such places as may be deemed advisable, that at a time and place fixed definitely in the advertisement sealed bids or proposals will be received from the publishers of school text-books for furnishing books to the public schools in the State of North Carolina, through agencies established by the publishers in the several

counties, and in the several places in the counties of the State as may be provided for in such regulations as the commission may adopt and prescribe. The advertisement shall also state in substance the requirements of the next succeeding section, and shall reserve the right to the commission to reject all bids.

1901, c. 1, ss. 1, 7, 11, 14; 1911, c. 118.

4069. BIDS, HOW MADE; CONTENTS OF. The bids or proposals shall be for furnishing books for a period of five years, and no longer, and no bid for a longer period shall be considered. The bids shall state specifically and definitely the price at which books are to be furnished, and shall be accompanied by ten or more specimen copies of each and every book proposed to be furnished; and it shall be required of each bidder to deposit with the Treasurer of the State a sum of money, such as the commission may require, not less than five hundred nor more than twenty-five hundred dollars, according to the number of books each bidder may propose to supply, and such deposits shall be forfeited absolutely to the State if the bidder making the deposit of any sum shall fail or refuse to make and execute such contract and bond, as is hereinafter required, within such time as the commission shall require. All bids shall be sealed and deposited with the Secretary of State, to be by him delivered to the commission when in executive session, for the purpose of considering the same, when they shall be opened in the presence of the commission; and each person or publisher making a bid for the supplying of any books shall state in such bid or proposal the exchange price at which such books shall be furnished. It shall be the duty of the Secretary of State to carefully preserve in his office as the standard of quality and excellence to be maintained in such book during the continuance of the contracts for furnishing the same, the specimen or sample copies of all books which have been the basis of any contract, together with the original bid or proposal.

1901, c. 1, ss. 7, 9, 10.

4070. BIDS AND PROPOSALS MAY BE REJECTED. The commission shall have and reserve the right to reject any and all bids or proposals if of the opinion that any or all should for any reason be rejected; and, in case it fail from among the bids or proposals submitted to select or adopt any books upon any of the branches prescribed by this chapter, may readvertise for sealed bids or proposals, under the same terms and conditions as before, and proceed with its investigations in all respects as in the first instance and as required by the terms and provisions of this chapter; and the commission shall have and reserve the same rights in cases of advertisement for and presentation of bids and proposals for manuscripts and unpublished books hereinafter provided for in this chapter.

1901, c. 1, s. 11.

4071. MANUSCRIPTS AND UNPRINTED BOOKS MAY BE ADOPTED. In the event that the commission rejects the bids for furnishing any book, or in case it fail to adopt any book of the classes required, it may advertise for sealed bids or proposals from authors or publishers of text-books who have manuscripts or books not yet published, for prices at which they will publish and furnish in book form such manuscripts for use in the public schools of North Carolina, proceeding in like manner as in bids for furnishing books; but the State itself shall not under any circumstances enter into any contract binding it to pay for the publication of any book, but in the contract with the owner of the manuscript it shall be provided that he shall pay the

compensation to the publisher for the publication and putting in book form the manuscript, together with the cost and expense of copyrighting the same. All such bids or proposals shall be accompanied with a cash deposit of from five hundred to twenty-five hundred dollars, as the commission may direct and as heretofore provided in this chapter; and it is expressly provided that any person now doing business or proposing to do business in this State shall have the right to bid for the contract to be awarded hereunder in manner as follows: In response to the advertisement such person may submit his written bid to edit or have edited, published, and supplied for use in the public schools in this State any book provided for hereunder. Instead of filing with the bid or proposal a sample or specimen or copy of each book proposed to be furnished, he may exhibit to the commission, in manuscript or printed form, the matter proposed to be incorporated in any book, together with such a description and illustration of the form and style thereof as will be fully intelligible and satisfactory to the commission, or he may submit a book the equal of which in every way he proposes to furnish, and he shall accompany his bid or proposal with the cash deposit hereinbefore required. All such books and manuscripts shall be examined and reported upon by the subcommission before being adopted.

1901, c. 1, s. 11.

4072. COMMISSION TO DELIVER SAMPLE BOOKS TO SUBCOMMISSION. It shall be the duty of the commission to meet at the time and place designated in the advertisement and take out the sample or specimen copies submitted, upon which the bids are based, and refer and submit them to the subcommission, as provided for and directed in this chapter, with instructions to the subcommission to report at a time specified, with the classification and recommendation, as provided in this chapter.

1901, c. 1, s. 8.

4073. ADOPTION OF BOOKS. When the report of the subcommission is submitted it shall be the duty of the commission and the subcommission to meet in joint executive session to open and examine all sealed proposals submitted and received in pursuance of the notice or advertisement provided for in this chapter. It shall be the duty of the commission and the subcommission to examine and consider all such bids or proposals, together with the report and recommendation of the subcommission, and determine, in the manner provided in this chapter, what books, upon the branches hereinabove mentioned, shall be selected for adoption, taking into consideration the size, quality as to the subject-matter, material, printing, binding, and the mechanical execution, and price, and the general suitability for the purpose desired and intended. After the selection or adoption shall have been made, the commission shall award the contracts, and shall by registered letter notify the publishers or proposers to whom the contracts have been awarded. But the commission shall not in any case contract with any person for the use of any book which shall be sold to patrons for use in any public school in the State in excess of the price at which such book is to be furnished by such person, under contract, to any State, county, or school district in the United States under like conditions as those prevailing in this State and under this chapter.

1901, c. 1, ss. 8, 9; 1911, c. 118.

4074. CONTRACT, HOW EXECUTED. Upon the awarding of the contracts it shall be the duty of the Attorney-General to prepare the same in accordance with the terms and provisions of this chapter. On behalf of the State the

contracts shall be executed by the Governor and Secretary of State, and the seal of the State shall be set thereto. All such contracts shall be executed in triplicate, of which one shall be kept by the secretary of the commission, one shall be filed in the office of the Secretary of State, and one shall be retained by the contracting party. All contracts entered into or renewed under the provisions of this chapter shall be for the term of five years.

1901, c. 1, ss. 8, 14.

4075. CONTRACT; STIPULATION AS TO PRICES AND EXCHANGE OF BOOKS. It shall be stipulated in each contract that the contractor has never furnished and is not now furnishing under contract any State, county, or school district in the United States, where like conditions prevail as are then prevailing in this State and under this chapter, the same books as are embraced in the contract at a price below that stipulated in the contract; and the commission is hereby authorized and directed, at any time that it may find that any books have been sold at a lower price under contract to any State, county, or school district, to sue upon the bond of the contractor and recover the difference between the contract and the lower price for which books have been sold; and it shall also be stipulated in the contract that the contractor shall take up school books in use in this State at the date of such contract, and receive the same in exchange for new books, allowing a price for such old books not less than fifty per cent of the contract price of the new books.

1901, c. 1, ss. 9, 10.

4076. CONTRACT, AS TO LIABILITY OF STATE. It shall always be a part of the terms and conditions of every contract made in pursuance of this chapter that the State of North Carolina shall not be liable to any contractor in any manner for any sum whatever, but all such contractors shall receive pay and compensation solely and exclusively from the proceeds of the sale of books, as provided for in this chapter.

1901, c. 1, s. 10.

4077. CONTRACTS MAY BE CHANGED OR ALTERED. Nothing in this chapter shall prevent the commission and any contractor agreeing thereto from in any manner changing or altering any contract, if four members of the commission shall agree to the change and think it advisable and for the best interest of the public schools of the State.

1901, c. 1, s. 9.

4078. BOOKS MUST COME UP TO SAMPLE. The books furnished under any contract shall at all times during the existence of the contract in all respects be equal to the specimen or sample copies furnished with the bid.

1901, c. 1, s. 9.

4079. BOND OF CONTRACTOR. At the time of the execution of the contract the contractor shall enter into a bond in the sum of not less than ten thousand dollars, payable to the State of North Carolina, the amount of the bond within such limits to be fixed by the commission, conditioned for the faithful, honest, and exact performance of his contract, and shall further provide for the payment of reasonable attorneys' fees in case of recovery in any suit upon the same, with three or more good and solvent sureties, actual citizens and residents of this State, or any guaranty company authorized to do business in this State may become the surety on such bond; and it shall be the duty of the Attorney-General to prepare and approve such bonds. The commission may at any time, by giving thirty days notice, require additional security or additional bond.

1901, c. 1, ss. 8, 9.

4080. ACTIONS ON THE BOND. In case any contractor shall fail to execute specifically the terms and provisions of his contract, the commission is hereby empowered and directed to bring an action upon the bond of such contractor for the recovery of any and all damages. Such action shall be in the name of the State of North Carolina, and the recovery shall be for the benefit of the public school fund of the State and counties, and when collected shall be placed in the treasury of the school fund. The bond shall not be exhausted by a single recovery, but may be sued on from time to time until the full amount thereof shall be recovered. And it is expressly provided that should any party contracting to furnish books, as provided for in this chapter, fail to furnish them or otherwise break his contract, in addition to the right of the State to sue on the bond hereinabove required, the chairman of the county board of education or any member thereof may sue in the name of the State in the courts of the State having jurisdiction, and recover on such bond the full value of the books so failed to be furnished, for the use and benefit of the school fund of the county. In all such cases service of process may be made on any agent of the contractor in the county, or if no agent is in the county, then service may be made on any agent in charge of any depository, and such service shall be and stand in the place of service on the defendant contractor.

1901, c. 1, ss. 8, 9, 13.

4081. DEPOSITS BY BIDDERS, WHEN RETURNED AND WHEN FORFEITED. When any person shall have been awarded a contract and shall have given the bond required, the commission, through its secretary, shall so inform the Treasurer of the State, and it shall then be the duty of the Treasurer to return to such contractor the cash deposit made by him; and the commission, through its secretary, shall inform the Treasurer of the names of the unsuccessful bidders or proposers, and the Treasurer shall, upon the receipt of this notice, return to them the amounts deposited by them in cash at the time of the submission of their bids. But should any person fail or refuse to execute a contract and give the bond, as required by this chapter, within thirty days after the awarding of the contract to him and the mailing of the registered letter containing notice thereof, which shall be sufficient evidence that the notice was given and received, the cash deposit shall be deemed and is hereby declared forfeited to the State of North Carolina and it shall be the duty of the Treasurer to place such cash deposit in the treasury of the State, to the credit of the school fund.

1901, c. 1, s. 8.

4082. PRICES TO BE PRINTED ON BOOKS. It shall be the duty of all contractors to print plainly on the back of each book the contract price, as well as the exchange price at which it is agreed to be furnished, but the books submitted as sample or specimen copies with the original bid shall not have the price printed on them before they are submitted to the subcommission; and all books shall be sold to the consumer at the retail contract price, and on each book shall be printed the following: "The price fixed hereon is fixed by State contract, and any deviation therefrom should be reported to your county superintendent of public instruction or to the State Superintendent at Raleigh."

1901, c. 1, ss. 9, 13, 19.

4083. AGENCIES FOR THE DISTRIBUTION OF BOOKS TO PATRONS OF PUBLIC SCHOOL; PENALTY. There shall be maintained in each county in the State

not less than one and as many more agencies as the commission, upon recommendation of the county board of education, shall order, to be located at such points as the county board may recommend, for the distribution of books to the patrons, or the contractor shall be permitted to make arrangements with merchants or others for the handling and distribution of the books; and parties living in the county where no agency has been established or no arrangement made for distribution may order the same from one of the contractors, and it shall be the duty of the contractor or contractors to deliver any book so ordered to the person ordering, to his postoffice address, freight, express, postage, or other charges prepaid, at the retail contract price, if the price of the books so ordered shall be paid in advance. The contractors shall maintain one or more joint State depositories at some convenient distributing point or points in the State, at which shall be kept at all times an ample supply of all adopted books for the convenient and expeditious supply of books to the local depositories in the various counties of the State. Whenever demanded and certified by the county superintendent of public instruction of any county to be necessary, to secure and keep on hand an ample supply of books at any local depository, the contractors shall furnish books to such local depository upon consignment. And every contractor shall be required to keep on hand at all times at every established agency in every county an ample supply of books to meet all demands of patrons and purchasers, and upon failure to do so, or upon failure to establish agencies when ordered to do so by the commission, as directed herein, the contractor shall be liable to a penalty of five hundred dollars for each and every failure to comply with the provisions of this section, to be sued for by the Attorney-General in the name of the State in the Superior Court of the county of Wake, for the benefit of the school fund of the county injured by such failure; and if any contractor against whom judgment shall be obtained for such penalty shall fail to pay the same within thirty days after the docketing thereof, he shall forfeit his contract, and the commission shall so declare, and shall thereupon proceed to make a new contract for books with some other contractor. The county superintendent shall notify the contractors annually of the date of opening the public schools, at least thirty days before they open.

1901, c. 1, s. 13; 1903, c. 691, ss. 1, 2; 1911, c. 118, s. 1, par. (1).

4084. CONTRACT PROCLAIMED BY GOVERNOR; NOTICES ISSUED BY STATE SUPERINTENDENT. As soon as the commission shall have entered into a contract for the furnishing or supplying of books for use in public schools it shall be the duty of the Governor to issue his proclamation announcing such fact to the people of the State; and as soon thereafter as practicable the State Superintendent shall issue a circular letter to each county superintendent in the State and to such others as he may desire, which letter shall contain the list of books adopted, the prices, location of agencies, and method of distribution, and such other information as he may deem necessary.

1901, c. 1, ss. 12, 15.

PUBLIC SCHOOL LAW*

AN ACT TO STIMULATE HIGH SCHOOL INSTRUCTION IN THE PUBLIC SCHOOLS OF THE STATE AND TEACHER TRAINING

The General Assembly of North Carolina do enact:

HIGH SCHOOLS ESTABLISHED BY COUNTY BOARD WITH CONSENT OF STATE BOARD—
NOT MORE THAN FOUR SCHOOLS TO A COUNTY.

SECTION 1. With the consent of the State Board of Education, the county board of education in any county may in its discretion establish and maintain, for a term of not less than seven school months in each school year, one or more public high schools for the county, at such place or places as shall be most convenient for the pupils entitled to attend and most conducive to the purposes of said school or schools: *Provided, that not more than four public high schools in any one county shall be entitled under the provisions of this act to receive State aid.*

HIGH SCHOOL COMMITTEE TO CONSIST OF THREE PERSONS.

SEC. 2. For each public high school established under this act a committee of three persons shall be appointed by the county board of education, who shall be known as the School Committee of.....Public High School of.....County. The powers, duties, and qualifications of said committeemen shall be similar to those of other public school committeemen. They shall be appointed as follows: one for a term of two years, one for a term of four years, and one for a term of six years; and at the expiration of the term of any committeeman his successor shall be appointed for a term of six years: *Provided, that in case of death or resignation of any committeeman his successor shall be appointed for the unexpired term only.* Within two weeks after appointment the committee shall meet and elect a chairman and a secretary and enter upon the performance of their duties: *Provided further, that the board of trustees or school committee of any chartered school receiving aid under this act shall serve as the high school committee for said school.*

RULES, REGULATIONS, AND COURSE OF STUDY.

SEC. 3. All public high schools established and maintained under the provisions of this act shall be operated by the county board of education, under such general rules and regulations as may be prescribed by the State Board of Education. The courses of study for such high schools and the requirements for admission to them shall be prescribed by the State Superintendent of Public Instruction.

*See, also, c. 211, Public Laws 1917.

SCHOOLS UNDER STATE SUPERVISION—TEACHERS MUST HOLD CERTIFICATES FROM
STATE BOARD OF EXAMINERS.

SEC. 4. It shall be the duty of the county board of education to locate all high schools established under this act, to furnish the State Superintendent of Public Instruction with such information relative to said schools as he may require, and to make such local rules and regulations for the conduct of said schools as may be necessary: *Provided*, all public high schools established and aided under this act shall be subject to such inspection as may be directed by the State Superintendent of Public Instruction and shall make such reports as shall be required by him: *Provided further*, that no one shall teach in any public high school that receives State funds under this act who does not hold a high school teacher's certificate from the State Board of Examiners, who shall have power to prescribe a standard of scholarship and examination for same; and *Provided further*, that no one shall be employed as teacher in such high school without the approval of the county superintendent.

HIGH SCHOOLS AIDED MUST HAVE THREE FULL-TIME TEACHERS; TWO IN LOWER
GRADES AND AT LEAST ONE IN HIGH SCHOOL.

SEC. 5. No public high school shall be established or maintained under this act in connection with any public elementary school having an annual school term of less than seven months; and every public elementary school operated in connection with a public high school established under this act shall have at least two teachers giving their full time to instruction in the branches of study required to be taught in the public elementary schools of the State; and no public high school shall be entitled to the benefits of this act that does not have at least one duly licensed high school teacher giving his full time to instruction in the high school branches as outlined by the State Superintendent of Public Instruction: *Provided*, that this section shall not be construed to prevent the principal of a public high school from serving as principal of the public elementary school operated in connected therewith to the extent of exercising supervisory and disciplinary functions over said public elementary school.

HIGH SCHOOLS NOT TO BE AIDED IN TOWNS OF MORE THAN TWELVE HUNDRED IN-
HABITANTS; BUT COUNTY BOARD MAY APPROVE ONE CITY HIGH SCHOOL OF
STANDARD GRADE FOR PURPOSES OF THIS ACT.

SEC. 6. (SUBSTITUTE FOR.) Public high schools shall not be established and aided under this act in towns or cities of more than twelve hundred inhabitants, except as is hereinafter provided in this section: *Provided*, that the county board of education may approve for the purposes of this act one regularly organized town or city high school of standard grade and may enter into agreement or contract with the board of trustees or committee of said high school whereby students of high school age and grade residing outside the limits of said high school district and public school teachers of the county may be permitted to attend for the full term each year said high

school free of tuition. But no such contract or agreement shall entitle such high school to the benefits of this act until said contract or agreement shall have been approved by the State Board of Education. And when such contract or agreement shall have been approved by the State Board of Education said town or city high school shall be subject to the provisions and entitled to the benefits of this act: *Provided further*, that said town or city high school shall maintain an average daily attendance for the full term of at least twenty high school students from outside the local district.

HIGH SCHOOL FUNDS; HOW RAISED—COUNTY AND DISTRICT EACH REQUIRED TO PUT UP AS MUCH AS THE STATE GIVES—STATE AID MINIMUM, \$200;
MAXIMUM, \$600.

SEC. 7. Before any public high school shall be entitled to receive State aid under the provisions of this act, its application therefor shall have been approved by both the county board of education and the State Board of Education; and the amount of State aid to be given shall be determined by the State Board of Education, and the county board of education shall apportion to each public high school out of the general county fund at least as much as the State apportions to said high school; and the local committee of each public high school receiving State aid under the provisions of this act shall apportion out of the local school fund raised by special tax, or shall raise by private donation or otherwise, at least as much as the State Board of Education apportions to said high school under the provisions of the act; and when the high school committee shall deposit its apportionment with the treasurer to be placed to the credit of said public high school, the county board of education shall make an apportionment out of the general school fund of the county as provided herein, and deposit same with the treasurer to the credit of said public high school. When the treasurer and the county superintendent shall certify to the State Superintendent of Public Instruction that the apportionments by the local committee and the county board of education, herein required, have been duly authorized for any high school, a State warrant shall be issued upon the requisition of the State Superintendent of Public Instruction for such an amount as the State Board of Education shall have approved under the provisions of this act and sent to the treasurer to be placed to the credit of said public high school. All high school funds herein provided and placed to the credit of any high school shall be used exclusively for the payment of teachers' salaries in said high school and for such necessary incidental expenses as may be approved by the State Superintendent of Public Instruction; and said high school funds shall be paid out by the treasurer for the purpose herein specified only upon the order of the public high school committee, approved by the county superintendent of schools: *Provided*, that the amount apportioned by the State Board of Education to any public high school, maintained under the provisions of this act, shall not be less than two hundred dollars nor more than six hundred dollars for any year: *Provided further*, that after a public high school has been approved and established under the provisions of this act, it shall not be discontinued by the county board of education without the consent and approval of the State Board of Education.

TREASURER REQUIRED TO KEEP SEPARATE ACCOUNT OF FUNDS FOR EACH HIGH SCHOOL
—MUST REPORT FIRST MONDAY IN JULY.

SEC. 8. The treasurer of the county school fund, or in counties in which the office of treasurer has been abolished, any bank or other corporation handling the public school funds shall be treasurer of the public high school fund, except as is hereinafter provided. He shall keep a separate account of the funds of each public high school, and shall on the first Monday in July of each year, make to the county board of education and to the State Superintendent of Public Instruction a report of all receipts and expenditures of said fund for each separate high school for the preceding year: *Provided*, that the treasurer of any chartered school receiving State aid under the provisions of this act, may in the discretion of the State Board of Education, serve as treasurer of the public high school fund, but shall receive no commission for disbursing the funds apportioned by the county and the State under the provisions of this act.

HIGH SCHOOLS MUST MAKE AVERAGE ATTENDANCE OF AT LEAST TWENTY—AMOUNT
OF APPORTIONMENT CONDITIONED ON ATTENDANCE, NUMBER OF TEACHERS,
GRADE AND CHARACTER OF WORK.

SEC. 9. Every public high school receiving State aid under this act shall maintain an average daily attendance of at least twenty high school students for the required term, and any public high school making an average daily attendance of less than twenty students for the required term shall not be entitled to receive State aid under this act; and any additional amount beyond the minimum apportioned to any public high school under the provisions of this act shall be conditioned, first, upon the average daily attendance above the required minimum for the preceding school year; second, upon the number of full-time high school teachers employed; and third, upon the grade and character of work done by said public high school.

SUM OF ONE HUNDRED THOUSAND DOLLARS ANNUALLY APPROPRIATED.

SEC. 10. The sum of *one hundred thousand dollars*, or so much thereof as may be necessary, is hereby annually appropriated for the purposes of high school instruction and teacher training provided for in this act. *The State Board of Education is hereby authorized to reserve annually out of this appropriation an amount not to exceed five hundred dollars, to be paid out upon the requisition of the State Superintendent of Public Instruction in defraying a part of the necessary expense incurred in connection with the supervision and inspection of public high schools receiving aid under the provisions of this act.* The State Board of Education shall have the power to fix such rules and regulations, in accordance with the provisions of this act, as may be necessary for the proper distribution of this fund.

[Sections 11 to 18, inclusive, relate only to the East Carolina Teachers' Training School.]

SEC. 19. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 8th day of March, A. D. 1907.

1907, c. 820; 1909, c. 525; 1911, c. 135; 1913, c. 149; 1915, c. 236; 1917, c. 227, c. 285.

DEAF CHILDREN MUST ATTEND SCHOOL

AN ACT TO COMPEL WHITE DEAF CHILDREN TO ATTEND SCHOOL

The General Assembly of North Carolina do enact:

SECTION 1. That every deaf child of sound mind in North Carolina shall attend a school for the deaf at least five school terms of nine months each, between the ages of eight years and fifteen years.

SEC. 2. That parents, guardians or custodians of a deaf child or deaf children between the ages of eight and fifteen years shall send said child or children, or cause to be sent, to some school for the instruction of the deaf, at least five terms or sessions of nine months each, between the ages of eight years and fifteen years.

SEC. 3. That parents, guardians or custodians of any deaf children between the ages provided in section two of this act failing to send said deaf child or deaf children to some school for instruction, as provided in this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: *Provided*, that said parents, guardians or custodians may elect two years between said ages of eight and fifteen years that a deaf child or deaf children may remain out of school: *Provided further*, that this section shall not apply to or be enforced against the parent, guardian or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his and their discretion serve written notice on such parent, guardian or custodian, directing that such child be sent to the institution whereof they have charge.

SEC. 4. That it shall be the duty of the school census taker to report name, age and sex of each deaf child in his district, and name of parents, guardians or custodians and their postoffice address, to the county superintendent of education, who shall send said report of names and addresses to the Superintendent of the North Carolina School for the Deaf located at Morganton, N. C.; that said census taker or county superintendent failing to make reports as provided in this act shall be fined five dollars (\$5) for each white deaf child not so reported.

SEC. 5. That said fine as provided in section three (3) of this act and said fine of five dollars (\$5) provided in section four (4) of this act, when collected, shall be paid to the public school fund of the county in which such child lives.

SEC. 6. That this act shall take effect the first day of September, 1907.
1907, c. 1007; 1915, c. 14.

SCIENTIFIC TEMPERANCE INSTRUCTION

AN ACT RELATING TO SCIENTIFIC TEMPERANCE INSTRUCTION IN THE PUBLIC SCHOOLS

The General Assembly of North Carolina do enact:

SECTION 1. In addition to the branches in which instruction is now required by law to be given in all schools supported wholly or in part by public money, instruction shall also be given as to the nature of alcoholic drinks and other narcotics and their effect upon the human system, in connection with the various divisions of physiology and hygiene, and such subject shall be taught in each school year below the second year in the high schools, and shall be taught as thoroughly as arithmetic and geography are taught in said schools: *Provided*, that the minimum amount of such instruction shall be two lessons each week for ten weeks, or the equivalent of the same, in schools employing one teacher, and three lessons each week for ten weeks, or the equivalent of the same, in schools employing two or more teachers. Such instruction shall be given by the use of text-books in the hands of all pupils in all grades from the fourth grade to the first year in the high school, inclusive, or in corresponding classes in graded schools, and orally to all pupils in the first three or primary grades, by teachers using text-books adapted to such oral instruction as a guide and standard; and all pupils must pass such tests as may be required in other studies before promoting to the next succeeding year's work, and such instruction shall be given as aforesaid to all pupils in all public schools of the State.

SEC. 2. The text-books used for the instruction required to be given by the preceding section shall be graded to the capacities of the pupils, and for students below high school grade such text-books shall give at least one-fifth their space, and for students of fifth school grade they shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics; but no book in which the required amount of this subject shall appear, in whole or part, as a separate chapter at the end of the book shall be considered as complying with the requirements of this statute, and no topical outline of study for the guidance of teachers which reduces the amount of temperance instruction below that which is required by the text-books provided for in this act shall be considered as complying with the intent of the law. No text-book on physiology and hygiene not conforming to this act shall be used in the public schools except so long as may be necessary to fulfill the conditions of any legal adoption existing at the time of the passage of this act.

SEC. 3. In all normal schools, teachers' training classes, teachers' institutes, teachers' associations, summer schools and all other organizations for the equipment of teachers, adequate time and attention shall be given to instruction in the best methods of teaching physiology and hygiene, with special reference to the nature of alcoholic drinks and other narcotics; and no teacher shall be licensed who has not passed a satisfactory examination in this subject and the best method of teaching it.

SEC. 4. That it shall be the duty of the proper officer in control of any school or schools described in the first and third sections of this act to enforce the provisions of this act; and any such officer, school director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of this act or shall neglect or fail to make proper provision for the instruction required and in the manner specified by this act for all pupils in each and every school under his control and supervision shall be removed from office and the vacancy filled as in other cases; and if it be satisfactorily proved that trustees or board of education or board of educational institutions, receiving money from the State have failed to enforce this act, as far as they have authority, it shall be deemed sufficient cause for withholding the warrant for the State appropriation of school money to which such district or educational institution would otherwise be entitled.

SEC. 5. This act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified this the 11th day of March, A. D. 1907.

1907, c. 957.

HEALTH LAW

AN ACT TO PREVENT AND CONTROL THE OCCURRENCE OF CERTAIN INFECTIOUS DISEASES IN NORTH CAROLINA

The General Assembly of North Carolina do enact:

SECTION 1. On the second Tuesday of July, one thousand nine hundred and seventeen, all county quarantine officers and all county health officers to whom the duties of county quarantine officer have been assigned, as provided for in chapter 62, Laws of 1911, as amended by chapter 181, Laws of 1913, shall appear before the clerk of the Superior Court in their respective counties and make official oath or affirmation to faithfully enforce this act and its provisions: *Provided*, that in those counties where a county board of health fails or neglects to elect a county quarantine officer on or before the second Tuesday in July, one thousand nine hundred and seventeen, the Secretary of the North Carolina State Board of Health shall appoint a quarantine officer for the said county: *Provided further*, that on refusal or neglect of any quarantine officer, or county health officer acting as quarantine officer, to make, within a period of ten days of the time named in this section of this act, the aforesaid official oath or affirmation to enforce this act and its provisions, the Secretary of the North Carolina State Board of Health is hereby empowered to remove said quarantine or county health officer and to appoint a quarantine officer to enforce this act and its provisions, and on the said appointee all the powers, privileges, and compensation provided for herein for the county quarantine officer are hereby conferred.

SECTION 2. The official term of service of a county quarantine officer, including those now serving, except in those counties where there is a county health officer, shall expire on the first Monday in January of the fourth year from the year of their appointment or election. In those counties having a county health officer who makes official oath or affirmation to enforce this act and its provisions, the office of county quarantine officer shall be coterminus with the office of the said county health officer. The county board of health shall elect a successor to the county quarantine officer, or the county health officer acting as county quarantine officer, on or before the expiration of the term of service of said officer as herein defined: *Provided*, that in case of disqualification for continuance in office of the county quarantine officer, or the county health officer acting as county quarantine officer, by resignation, death, or other disqualification, the county board of health shall, within five days thereafter, elect a county health officer or county quarantine officer to fill out the unexpired term of service: *Provided further*, that in case of the failure of the county board of health to so elect a successor to complete an unexpired term of service of a quarantine officer, or a county health officer acting as county quarantine officer, who has become disqualified for continuance in office, the Secretary of the North Carolina State Board of Health shall immediately appoint a county quarantine officer, who shall make official oath or affirmation to enforce this act and its provisions.

SECTION 3. The county board of health in electing a county quarantine officer shall promptly notify, in writing, the secretary of the North Carolina State Board of Health of such action, and failure to so notify the said secretary shall nullify the election of the county quarantine officer. The county quarantine officer, or the county health officer acting as quarantine officer, shall promptly notify the secretary of the North Carolina State Board of Health, in writing, inclosing certified copy of the oath or affirmation of office taken, of his having taken the oath or affirmation of office, and failure to do so shall be construed as failure to have taken the official oath or affirmation of office.

SECTION 4. Any county quarantine officer, or county health officer acting as county quarantine officer, who fails or refuses to enforce this act or its provisions in his county shall be guilty of a misdemeanor, and on conviction fined not exceeding fifty dollars (\$50), and may, if the Secretary of the North Carolina State Board of Health so decide, be disqualified for continuance in office.

SECTION 5. This act shall not apply to incorporated towns and cities of this State having a population, according to the last decennial census, of ten thousand or over, and this act shall not apply to those counties the sanitary administration of which is directed by a joint board of health presiding over both a county and a town or city having a population, according to the last Federal decennial census, of ten thousand or more: *Provided, however*, that the system of quarantine in force in those cities and counties named in this section shall be approved by the North Carolina State Board of Health, and reports of the occurrence of contagious diseases in such cities and counties shall be made to the North Carolina State Board of Health as from all other cities and counties in North Carolina.

SECTION 6. For his services, the county quarantine officer shall be paid monthly, on certification from the Secretary of the North Carolina State Board of Health that the said officer has performed the duties of his office in a satisfactory manner, out of the county funds by the county treasurer, or in those counties that have no county treasurer by that official who performs the usual duties of the treasurer's office. Monthly payments shall be made on a population basis, according to the last decennial Federal census, as follows:

	<i>Per Month</i>
Counties with a population of less than 10,000.....	\$15.00
Counties with a population of from 10,000 to 15,000.....	17.50
Counties with a population of from 15,000 to 25,000.....	25.00
Counties with a population of from 25,000 to 40,000.....	35.00
Counties with a population of from 40,000 to 50,000.....	45.00
Counties with a population over 50,000.....	50.00

In addition to the monthly salary paid the quarantine officer, the county treasurer, or the person acting as county treasurer, shall pay to the quarantine officer all financial statements, with receipted bill attached for sums paid out for postage, registration of letters, and disinfectants, the total sum not to exceed ten dollars (\$10) in any month nor one hundred dollars (\$100) in any one year: *Provided, however*, that the Secretary of the North Carolina State Board of Health shall supply the county quarantine officer, and without cost to the county, with all forms, placards, and literature neces-

sary for carrying out the provisions of this act: *Provided further*, that county authorities may revise their understandings with those county physicians who are acting as both physicians to county charges and as quarantine officer and whose terms of office as quarantine officer shall expire in January, one thousand nine hundred and twenty-one, unless discontinued by death, resignation, or other disqualification, on a basis of compensation adequate to the new duties herein required; but in no case shall the compensation allowed for the services required by this act of quarantine officers be less than that herein named.

SECTION 7. It shall be the duty of every physician to notify the county quarantine officer of the name, address, including the name of the school district, of any person living or residing, permanently or temporarily, in the county about whom such physician is consulted professionally and whom he has reason to suspect of being afflicted with whooping cough, measles, diphtheria, scarlet fever, smallpox, infantile paralysis, typhoid fever, typhus fever, Asiatic cholera, bubonic plague, yellow fever, or other disease declared by the North Carolina State Board of Health to be infectious and contagious, within twenty-four hours after obtaining reasonable evidence for believing that such person is suffering from one of the aforesaid diseases: *Provided, however*, that if the afflicted person is a minor, the physician consulted professionally about such person shall notify the county quarantine officer of the name and address of the parent or guardian of such minor, in addition to the name, address and school district of the person about whom he is professionally consulted and whom he believes to be afflicted with one of the aforesaid diseases.

SECTION 8. It shall be the duty of every parent, guardian or householder, in the order named, to notify the county quarantine officer of the name, address, including the name of the school district, of any person in their family or household about whom no physician has been consulted but whom they have reason to suspect of being afflicted with whooping cough, measles, diphtheria, scarlet fever, smallpox, infantile paralysis, typhoid fever, Asiatic cholera, typhus fever, bubonic plague, yellow fever, or other disease declared by the North Carolina State Board of Health to be infectious or contagious.

SECTION 9. It shall be the duty of the county quarantine officer to report all cases of whooping cough, measles, diphtheria, scarlet fever, smallpox, infantile paralysis, typhoid fever, Asiatic cholera, typhus fever, bubonic plague, yellow fever, or other disease declared by the North Carolina State Board of Health to be infectious or contagious, reported to him by physicians and parents, guardians, or householders, within twenty-four hours of the receipt of such report to the Secretary of the North Carolina State Board of Health at Raleigh, and to make this report to the said secretary on forms supplied him by the said secretary and in accordance with the rules and regulations adopted by the North Carolina State Board of Health.

SECTION 10. The North Carolina State Board of Health shall meet some time preceding the date named herein for this act to take effect, and shall adopt what in their judgment seems to be the necessary rules and regulations governing the management, supervision, or control of the diseases coming within the meaning of this act, and shall cause the said rules and regulations to be published in the North Carolina State Board of Health Bulletin and to be supplied in suitable quantities to all concerned with the

execution of this act, and the North Carolina State Board of Health shall revise the aforesaid rules and regulations from time to time to adjust their requirements to new discoveries and improved methods for dealing with the sources and modes of infection of the diseases mentioned in this act: *Provided, however,* that the rules and regulations adopted by the North Carolina State Board of Health, as provided for in this section, shall be regarded as the minimum requirements, and that the authorities of any county, town or city may adopt such additional rules and regulations for the control of the diseases mentioned in sections seven, eight and nine of this act, and pay such additional fees and salaries as in the judgment of the authorities of such counties, towns and cities seem necessary.

SECTION 11. Any person willfully violating any of the provisions of this act and any person violating any of the rules and regulations adopted by the North Carolina State Board of Health for the control of the diseases mentioned in this act, and as provided for in the preceding section, shall be guilty of a misdemeanor and fined not exceeding fifty dollars (\$50), or imprisoned not less nor more than thirty days, at the discretion of the court. In case the offender be stricken with the disease for which he is quarantinable, he shall be subject to the penalty on recovery, unless in the opinion of the Secretary of the North Carolina State Board of Health the penalty should be omitted.

SECTION 12. For the purpose of seeing that this act and the rules and regulations adopted by the North Carolina State Board of Health, provided for in this act, are faithfully executed, a bureau of epidemiology and the office of State Epidemiologist is hereby created, and an appropriation of four thousand dollars (\$4,000) for the fiscal year, one thousand nine hundred and seventeen, and thereafter an annual appropriation of six thousand dollars (\$6,000) is hereby appropriated. The aforesaid bureau and the State Epidemiologist shall be under the control and supervision of the North Carolina State Board of Health.

SECTION 13. All laws and clauses of laws in conflict with this act are hereby repealed.

SECTION 14. This act shall be in force from and after June first, one thousand nine hundred and seventeen.

1917, c. 263.

SPECIAL COUNTY TAXATION FOR SCHOOLS

AN ACT TO AUTHORIZE ANY COUNTY IN NORTH CAROLINA TO VOTE UPON THE LEVYING AND COLLECTION OF A SPECIAL TAX ON PROPERTY AND POLLS TO SUPPLEMENT THE COUNTY SCHOOL FUND OF SAID COUNTY

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of any county, upon the petition of the county board of education of said county, may order an election to be held in said county to ascertain the will of the people whether there shall be levied on all taxable property and polls of said county a special tax, not to exceed thirty cents on the one hundred dollars valuation of property and ninety cents on each poll, to supplement the county school fund of said county.

SEC. 2. That said election shall be conducted for the county as nearly as may be under the same rules and regulations governing district special school tax elections, as set out in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina.

SEC. 3. That in case a majority of the qualified voters at said election shall vote in favor of said tax, the same shall be annually levied and collected in the same manner and at the same time as other taxes of the county are levied and collected.

SEC. 4. That in case a majority of the qualified voters at said election in any township of said county shall vote for said special tax, the same shall be annually levied and collected in said township in the same manner and at the same time as other taxes are levied and collected, and used to supplement the school fund of said township.

SEC. 5. That in case a majority of the qualified voters at said election in any township or in the entire county shall vote in favor of said special tax, on petition of a majority of the members of the board of trustees or the school committee of any existing special tax district within said township or county so voting, the county commissioners shall reduce the annual special local tax levy of said district by an amount not exceeding the special levy provided for the county or township under this act.

SEC. 6. That in case a majority of the qualified voters at said election in any county shall fail to vote for said special tax, on petition of a majority of the members of the county board of education of said county, the county commissioners may, after thirty days notice, order an election in any subsequent year after the first election for the same purpose and under the same regulations as the first election herein provided for in any or all of the townships of said county that shall have failed to carry said special tax in the former election.

SEC. 7. That the expense of holding said election shall be paid out of the county school fund of said county.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.
1911, c. 71.

STATE EQUALIZING SCHOOL FUND

AN ACT TO PROVIDE FOR A SIX MONTHS SCHOOL TERM IN EVERY PUBLIC SCHOOL DISTRICT OF THE STATE

The General Assembly of North Carolina do enact:

PER CAPITA STATE APPROPRIATION OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS.

SECTION 1. That two hundred and fifty thousand dollars be, and the same is hereby appropriated annually out of the State Treasury for the benefit of the public schools, to be apportioned by the State Board of Education to the respective counties of the State per capita as to school population on the first Monday in January of each year, using the school census of the preceding scholastic year as the basis of apportionment: *Provided*, that the State Board of Education shall annually deduct from said appropriation, before the apportionment thereof, the sum of one thousand five hundred dollars to be used in part payment of the salary and expenses of the Superintendent of the State Colored Normal Schools and inspector and director of the county teachers' institutes and of the teacher-training work of the State, and shall also deduct therefrom biennially in advance seven thousand five hundred dollars to be used for the establishment of rural libraries as provided in section four thousand one hundred and seventy-nine of the Revisal of one thousand nine hundred and five of North Carolina.

WARRANTS, HOW ISSUED.

SEC. 2. Upon requisition of the Superintendent of Public Instruction, the State Auditor shall issue his warrant upon the State Treasurer for the amount due each county, payable to the county treasurer, to be credited to the general public school fund of said county.

STATE EQUALIZING SCHOOL FUND CREATED.

SEC. 3. There shall be set aside annually five cents of the annual *ad valorem* tax levied and collected for State purposes on every one hundred dollars value of real and personal property in this State, and the funds annually arising from said tax shall be held by the State Treasurer as a fund separate and apart from all other funds for State purposes, and shall be known as "The State Equalizing School Fund," and shall be used, as hereinafter directed, to provide a six months school term in every school district in the State, or as nearly a six months term as said funds will provide.

APPROPRIATION OF EQUALIZING FUND—METHOD AND CONDITIONS.

SEC. 4. *On or before the first Monday in December of each and every year the county board of education of each and every county entitled to aid from this fund shall submit to the State Board of Education, on blanks furnished for that purpose by the State Superintendent of Public Instruc-*

tion a sworn itemized statement by districts, showing the number of teachers employed in each district, the grade or class and the salary of each teacher, and such other information as may be required. Said statement shall further show under oath that provision has been made as required by law for a four months school term in each district of said county, the rate of special tax levied therefor, and the aggregate fund derived or to be derived therefrom. On or before the first Monday in February of each year the State Treasurer shall certify to the State Board of Education the amount of said State equalizing school fund derived and to be derived from said five cents property tax levied and set aside from the State tax levy on every hundred dollars value of real and personal property in the State during the school year ending June thirtieth thereafter, and the State Board of Education shall apportion said fund among all the counties of the State that have complied with all the requirements of this act, as follows: It shall first apportion to each county whose funds are insufficient, after having levied the maximum tax required under this act, to provide a four months term in every school district, a sufficient sum to bring the term in each school district in said county to four months. It shall then apportion the remainder of said equalizing fund among all the counties of the State that have complied with all the provisions of this act, so as to provide for the payment of the salaries of all teachers in each county for an equal number of days. The salaries apportioned from said fund for teachers shall not exceed forty dollars per month for first grade, thirty dollars per month for second grade, and twenty dollars per month for third grade, and shall in no event exceed the salaries actually paid from the county fund, if less than these amounts. The State Board of Education shall apportion this fund only for the salaries of teachers employed, and no part of said fund shall be apportioned or used for any other purpose than for the payment of the salaries of the said teachers for the period designated by the State Board of Education in the apportionment to each county, and each county receiving an apportionment from this fund shall maintain, in addition to the term provided by the county funds, an extended term of not less than the number of days for which the apportionment from this fund is made and designated by the State Board of Education.

IN APPROPRIATION OF EQUALIZING FUND, NO ACCOUNT TO BE TAKEN OF LOCAL TAX FUNDS.

SEC. 5. In the apportionment of the county school fund and in the apportionment of funds under this act to school districts levying a special tax for their schools no account shall be taken of the funds derived from said special tax, and the authorities legally empowered to levy such special tax in such school districts are hereby authorized, upon recommendation of the school committee or board of trustees of said school districts, to reduce the rate of the annual special tax levy therein proportionately to the increase of the funds of said district from the increased apportionment from the county and State funds and to the needs of the district: *Provided, however, that the school term in said district shall not be reduced by said decrease in the special tax more than it is lengthened by the increased appropriation from the county and State funds.*

COUNTIES THAT DO NOT HAVE FOUR MONTHS TERM AFTER LEVYING MAXIMUM RATE
ENTITLED TO RECEIVE AID FROM THIS FUND.

SEC. 6. After any county shall have levied and collected a special tax of fifteen cents on every one hundred dollars value of property, real and personal, and forty-five cents on every taxable poll therein, to provide a four months school term in every school district, though the funds derived therefrom may be insufficient therefor, said county shall be entitled to receive from the State equalizing school fund provided under this act an apportionment for salaries of teachers *sufficient to bring the term in every district to four months, and shall then be entitled to participate with the other counties of the State in the apportionment of the remainder of said fund under the provisions of this act.*

FUNDS CAN BE USED ONLY FOR TEACHERS' SALARIES.

SEC. 7. Upon requisition by the State Superintendent of Public Instruction, the State Auditor shall issue his warrant upon the State Treasurer payable to the county treasurer for the apportionment made under section four of this act to each county, and the funds when received by said county treasurer shall be placed to the credit of the county school fund of said county, to be used only for the specific purpose designated in this act; and the county treasurer is forbidden to pay any part thereof for any other purpose; the county board of education is forbidden to order the payment of any part thereof for any other purpose, and the county superintendent of public instruction is forbidden to sign any voucher for the payment of any part thereof for any other purpose than for the payment of teachers' salaries as and for the period designated. No district in any county shall be entitled to any part of said apportionment for the payment of the salary of its teachers until the committee thereof or the township committee shall have furnished to the county superintendent satisfactory evidence, sworn to if required, that the necessary funds have been provided for paying the incidental expenses of the school or schools in said district for the additional term for which teachers' salaries have been provided in said apportionment. Any county treasurer, county superintendent, or member of any county board of education violating any of the provisions of this section shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court.

FUNDS SUFFICIENT TO MAINTAIN SCHOOLS FOUR MONTHS MUST BE PROVIDED BY
COUNTY—SPECIAL TAX.

SEC. 8. Chapter five hundred and eight of the Public Laws of one thousand nine hundred and nine of North Carolina is hereby repealed, and the following is hereby substituted and enacted in lieu thereof: On or before the first Monday in June of each and every year the county board of education of each county shall ascertain the amount of money needed to maintain the public schools of such county for four months during the succeeding school year. The county board of education, using as a basis the receipts for school purposes during the current school year ending June thirtieth thereafter, shall ascertain the amount that will be available for school purposes from

the general school tax, from fines, forfeitures, and penalties, and from the annual per capita appropriation to the county from the special State appropriation for public schools under this act. If the amount received and to be received from these sources is less than the amount ascertained to be needed for a full four months school term in every public school district of the county, and said county board of education shall submit to the board of county commissioners of said county an itemized statement of the amounts needed for supervision, for administration, for buildings and repairs, for salaries of teachers, and for all other expenses allowed by law. The statement shall also set forth the number of teachers, white and colored, to be employed in each district, and the salary of each teacher in each district. The limitation placed by law on each of these objects shall not be exceeded. It shall thereupon be the duty of the board of county commissioners to levy a special tax on all property, real and personal, and on all taxable polls, subject to the constitutional limitation as to poll tax, in said county sufficient to supply the deficiency needed for the support and maintenance of the public schools of said county for four months in each school district: *Provided*, that no county shall be compelled to levy a special tax of more than fifteen cents on every hundred dollars value of property, real and personal, and forty-five cents on every taxable poll for said purpose. The said tax shall be levied and collected at the same time and in the same manner as other county taxes are levied and collected, and the funds derived therefrom shall be apportioned and expended by the county board of education for maintaining one or more public schools in each school district for a term of four months in each year. In the event of a disagreement between the county board of education and the board of county commissioners as to the amount of the deficiency to be supplied for a four months school, and as to the rate of tax to be levied therefor, or of the refusal of any board of county commissioners to levy said tax, the county board of education shall bring an action in the nature of mandamus against the board of county commissioners to compel the levying of such special tax in the manner and form as provided in sections eight hundred and twenty-two and eight hundred and twenty-four of the Revisal of one thousand nine hundred and five of North Carolina, and it shall be the duty of the judge hearing the same to find the facts as to the amount needed and the amount available from the sources herein specified, which finding shall be conclusive, and to give judgment requiring the county commissioners to levy the sum which he shall find necessary to maintain the schools for four months in said county. No county shall receive any part of the State equalizing school fund provided by this act until it shall have levied the special tax herein required of it for a four months school term in every school district.

COMMISSIONERS MAY LEVY ADDITIONAL TAX FOR NECESSARY EXPENSES.

SEC. 9. That the board of commissioners of any county in North Carolina be, and they are hereby authorized and empowered to levy a special tax in excess of the constitutional limitation, not exceeding five (5) cents on the one hundred dollars (\$100) valuation of all property listed for taxation in their respective counties, to provide for any deficiency in the necessary expenses and revenue of said respective counties, which may be caused by the provisions of this act.

CONFLICTING LAWS REPEALED.

SEC. 10. That section four thousand and ninety-seven of the Revisal of one thousand nine hundred and five of North Carolina, as amended by chapter seven hundred and seventy-nine of the Public Laws of one thousand nine hundred and nine of North Carolina, be and the same is hereby repealed, and all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 1st day of March, 1913.

1913, c. 33; 1915, c. 236; 1917, c. 281.

COMPULSORY ATTENDANCE LAW

AN ACT TO MAKE SCHOOL ATTENDANCE COMPULSORY

The General Assembly of North Carolina do enact:

ALL CHILDREN REQUIRED TO ATTEND SCHOOL, AGE 8 TO 14, TERM FOUR MONTHS.

SECTION 1. That from and after the first day of July, one thousand nine hundred and thirteen, every parent, guardian, or other person in the State of North Carolina having charge or control of a child or children between the ages of eight and *fourteen* years, shall cause such child or children to attend the local public school in the district, town or city in which he resides, continuously for four months of the school term of each year, except as hereinafter provided. This period of compulsory attendance shall commence at the beginning of the compulsory period of the school term nearest to the eighth birthday of such child or children, and shall cover the compulsory period of *six* consecutive school years thereafter. This period of compulsory attendance for each public school shall commence at the beginning of the school term of said school unless otherwise ordered by the county board of education, or in case of towns or cities of two thousand or more inhabitants, by the board of trustees of the public schools of said towns or cities. Continuous attendance upon some other public school or upon any private or church school taught by competent teachers may be accepted in lieu of attendance upon the local public schools: *Provided*, that said period of continuous attendance upon such other school shall be for at least four months of each year: *Provided further*, that any private or church school receiving for instruction pupils between the ages of eight and *fourteen* years shall be required to keep such records of attendance of said children and to render such reports of same as are hereinafter required of public schools. And attendance upon such schools refusing or neglecting to keep such records and to render such reports shall not be accepted in lieu of attendance upon the local public school of the district, town or city which the child shall be entitled to attend: *Provided*, the period of compulsory attendance shall be in force and apply between the ages of eight and fifteen years in Mitchell County.

EXEMPTIONS.

SEC. 2. This act shall not apply in any case in which the child's physical or mental condition, as attested by any legally qualified physician before any court having jurisdiction under this act, renders his attendance impracticable or inexpedient; or in any case in which the child resides two and one-half miles or more by the nearest traveled route from the schoolhouse; or in any case in which, because of extreme poverty the services of such child are necessary for his own support or the support of his parents, as attested by the affidavit of said parents and of such witnesses as the attendance officer may require; or in any case in which said parent, guardian or other person having charge or control of the child shall show before any magistrate by affidavit of himself and of such witnesses as the attendance officer may require, that the child is without necessary books and clothing for attending

school, and that he is unable to provide the necessary books and clothes; *Provided*, that when books and clothing shall have been provided, through charity or by other means, the child shall no longer be exempt from attendance under this provision.

PARENTS SHALL CAUSE CHILDREN TO ATTEND SCHOOL.

SEC. 3. Every parent, guardian, or other person in the State of North Carolina having charge or control of a child or children between the ages of eight and *fourteen* years shall cause said child to attend school as aforesaid: *Provided*, that occasional absence from such attendance by such child amounting to not more than two unexcused absences in four consecutive weeks shall not be unlawful: *Provided, further*, that the superintendent, principal or teacher in charge of any school may excuse any child for a temporary absence, because of unusual storm or bad weather, sickness or death in the child's family, unforeseen or unavoidable accidents, and such excuse and reason therefor shall be recorded by said superintendent, principal, or teacher in charge of school and reported to the attendance officer as hereinafter provided: *Provided further*, that in case of protracted illness of any child whose attendance is required under this act, or in case of quarantine of the home in which the child resides, upon report of the health officer or upon satisfactory evidence to this effect, the attendance officer shall excuse from attendance such child until he is fully restored to health or until the time required by law that he shall stay out of school after quarantine has been raised.

PENALTY FOR VIOLATION OF LAW.

SEC. 4. Any parent, guardian or other person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine said parent, guardian, or other person shall be imprisoned not to exceed thirty days in the county jail: *Provided*, that the fine for any first offense may, upon the payment of costs, be suspended and not collected until the same party is convicted of a second offense: *Provided, further*, that after the expiration of three days from the service of the notice by the attendance officer each and every day a parent, guardian, or other person shall willfully and unlawfully keep such child or children from school, or allow him to remain out of school, shall constitute a separate offense and shall subject said person to penalties herein prescribed.

ATTENDANCE OFFICERS, DUTIES, COMPENSATION, ETC.

SEC. 5. (SUBSTITUTE FOR.) The county board of education in each county shall appoint and remove at will an attendance officer in each township to enforce the provisions of this act. It shall be the duty of the school committee of the township or district to furnish each superintendent, principal, or teacher in charge of each school, and to furnish also the attendance officer of each township and the county superintendent, with an accurate school census of each school district at the opening of the school in said township or district each year. The superintendent, principal, or teacher in charge of any school shall at the end of each week serve written or printed notice upon every parent or guardian or other person having in charge any child

within the compulsory attendance age, notifying him of the absence or absences of such child during the week and shall file copies of all such notices with the attendance officer immediately; and said parent, guardian, or person shall be required to render promptly to such superintendent, principal, or teacher in charge of the school the excuse or cause of absence of such child. The failure of such parent, guardian, or person to render satisfactory excuse within three days after the mailing or serving such notice shall be *prima facie* evidence of the violation of this act in case of any prosecution of such person under this act; and shall subject said person to prosecution therefor and to the payment of the costs incurred in such prosecution. The names of all persons failing to render satisfactory legal excuse shall be reported immediately to the attendance officer. Prosecutions under this act shall be brought by the attendance officer in the name of the State of North Carolina before any justice of the peace, or police justice, or recorder of any county, town, or township, in which the person prosecuted resides. Upon failure of any attendance officer to prosecute, the county superintendent, upon report and recommendation of principal or teacher in charge or of the school committee, shall prosecute for violation of this act. The attendance officer shall keep an accurate record of all notices served, all cases prosecuted, and all other services performed, and shall make an annual report of same to the county board of education. In the discretion of the county board of education, the attendance officer shall be allowed reasonable compensation from the county school fund for such services as are required of him under this act, compensation for which is not specifically provided for herein: *Provided*, that in case the county board of education shall appoint a school committeeman or township constable as attendance officer, the duties of such officer herein prescribed are hereby declared to be a part of his duties *ex officio*: *Provided, further*, that the school committee or board of trustees of any school in any town or city of five thousand or more inhabitants, operating its schools under special charter, is hereby authorized and empowered, if in their judgment such action is wise, to appoint an attendance officer for the schools under their direction, fix his compensation, and pay the same out of the special tax school funds of said town or city, and assign to him other duties in addition to those enumerated above.

TEACHERS MUST COÖPERATE, PENALTY FOR NON-COMPLIANCE.

SEC. 6. (SUBSTITUTE FOR.) It shall be the duty of all principals and teachers to coöperate with the attendance officers in the enforcement of this law. To this end it shall be the duty of the principal or teacher in charge in every school in which pupils between the ages of eight and fourteen years are instructed to keep an accurate record of the attendance of such pupils. On or before the fourth Monday of each calendar month during the compulsory attendance term of each school the superintendent, principal or teacher in charge of each school in each township shall report to the attendance officer of said township and the county superintendent the names of all children that have been absent without legal excuse during said month, the number of absences of each child, together with the name of the parent, guardian, or person in charge of said child. The said township attendance officer shall immediately upon receipt of said report notify each of said parents, guardians or other persons having in charge such reported children to meet him at a

designated place in said township at a designated hour on Saturday following said fourth Monday for the purpose of explaining the cause of such absence of such children, and said attendance officer, after hearing and passing upon the excuses rendered, shall proceed with the prosecution as provided for in this act against those parents, guardians, or other persons who fail to render legal excuse for the absence of such reported children.

Said attendance officer shall be paid out of the general school fund of the county two dollars for his services rendered on said day for said purpose. The failure of any parent, guardian, or other person in charge of any child that has been reported absent, without excuse, to meet said attendance officer on said day without satisfactory excuse rendered shall be *prima facie* evidence of the violation of the provisions of this act and shall subject him to prosecution hereunder and to the penalty prescribed herein. Upon the willful or negligent failure of any principal or teacher in charge of any school to comply with the provisions of this section, the county superintendent shall deduct from his or her salary for the current month the sum of five dollars before approving the voucher therefor.

LAW TO BE GIVEN WIDEST POSSIBLE CIRCULATION.

SEC. 7. It shall be the duty of the county board of education of each county to cause this act to be published in full in some newspaper published in the county, if there is one, and if there be none, then in circular form, and given the widest possible circulation at least four weeks prior to the opening of the schools for the school year beginning July first, one thousand nine hundred and thirteen, and annually thereafter, if in their discretion it seems necessary.

EXISTING LOCAL OR SPECIAL LAWS NOT AFFECTED OR REPEALED BY THIS ACT.

SEC. 8. This act shall not affect or in any part repeal any existing special or local laws requiring compulsory attendance in any county or school district: *Provided*, the provisions of this act shall apply to Mitchell County.

APPLIES TO POLK COUNTY.

SEC. 9. This bill shall apply to all children in Polk County between the ages of seven and fifteen years.

SEC. 10. Chapter eight hundred and ninety-four of the Public Local Laws of one thousand nine hundred and seven of North Carolina, as amended by chapter five hundred and twenty-five of the Public Laws of one thousand nine hundred and nine of North Carolina is hereby repealed.

BOARD GIVEN POWER TO MAKE RULES AND REGULATIONS TO SECURE ATTENDANCE.

SEC. 11. The board of education of each county shall have power at their regular meeting held in July of each year, and thereafter at any regular meeting, to make such rules and regulations as they may deem best to secure the attendance of all children between the ages of eight and *fourteen* years upon schools of the county, and such rules and regulations, when approved by the county superintendent of public instruction, and posted at the court-

house door and at the door of each public schoolhouse in the county, shall supersede any provision of this act in conflict therewith.*

SEC. 12. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

1913, c. 173; 1915, c. 236; 1917, c. 208.

*As will be seen from the State Superintendent's construction of this law, concurred in by the Attorney-General, section 11 is an enabling instead of a disabling section, allowing the county board of education discretion in the modification of the machinery of the act by the adoption of rules and regulations for its enforcement, adapted to the different conditions in different counties, but conferring no power upon the board to revoke or annul the general and fundamental provisions of the law and its clearly stated purpose of compelling the attendance of all children between the ages of eight and fourteen years.

It is mandatory upon the county board of education to enforce these fundamental provisions and "to secure the attendance of all children between the ages of eight and twelve years upon the schools of the county." Read carefully the State Superintendent's official construction of this law on pages 129 *et seq.*, of this pamphlet.

CHILD LABOR LAW

AN ACT TO REGULATE AND RESTRICT LABOR IN MANUFACTURING ESTABLISHMENTS

The General Assembly of North Carolina do enact:

NO CHILD UNDER TWELVE PERMITTED TO WORK IN FACTORIES.

SECTION 1. That no child under twelve years of age shall be employed or work in any factory or manufacturing establishment within this State: *Provided*, that no child between the ages of twelve and thirteen shall be employed or work in a factory except in apprenticeship capacity, and only then after having attended school four months in the preceding twelve months.

NO PERSON UNDER SIXTEEN YEARS MAY WORK AT NIGHT.

SEC. 2. That no person under sixteen years of age shall be employed or permitted to work in any mill, factory or manufacturing establishment in this State between the hours of 9 p. m. and 6 a. m.

CERTIFICATES REQUIRED.

SEC. 3. That no child under sixteen years of age shall be employed or permitted to work at night, nor shall any child under the age of thirteen years be employed on day work in any mill, factory or manufacturing plant in this State unless the person, firm or corporation employing such child or permitting such child to work shall have procured and shall keep on file and accessible to any inspector of factories or other authorized officer charged with the enforcement of this act a certificate from the parent, guardian, or from person standing *in loco parentis* to any such child, which certificate shall show the name and age of such child, and in case such child is under thirteen and more than twelve years of age, said certificate must set forth the fact that such child has attended school four months in the preceding twelve months.

PENALTY FOR VIOLATION.

SEC. 4. That any person, firm or corporation, agent or manager of any firm or corporation who willfully, whether for himself or for such firm or corporation, employs or permits to work any child in violation of any of the provisions of this act, and whoever, having under his control as parent, guardian or otherwise, shall willfully set forth any false statement in the certificate of employment herein required or otherwise suffers such children to be employed or to work in violation of any of the provisions of this act, shall be guilty of a misdemeanor.

COUNTY SUPERINTENDENT MUST INVESTIGATE.

SEC. 5. That it shall be the duty of the county superintendent of public schools to investigate any violation of this act and to report the same to the solicitor of the judicial district in which said violation occurred, together with the names of all witnesses.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after the first day of January, 1914.

In the General Assembly read three times and ratified this the sixth day of March, 1913.

1913, c. 64.

LABOR LAWS OF NORTH CAROLINA

[The text below is from the act of 1907, chapter 463, and the act of 1915, chapter 148, and is given in the form of the present provisions, eliminating the amendatory clauses.]

AN ACT TO REGULATE AND RESTRICT CHILD LABOR IN MANUFACTURING ESTABLISHMENTS AND TO REGULATE THE HOURS OF LABOR

The General Assembly of North Carolina do enact:

SECTION 1. That no child under twelve years of age shall be employed or work in any factory or manufacturing establishment within this State: *Provided further*, that after one thousand nine hundred and seven no child between the ages of twelve and thirteen years of age shall be employed or work in a factory except in apprenticeship capacity, and only then after having attended school four months in the preceding twelve months.

SEC. 2. That sixty hours shall constitute a week's work in all factories and manufacturing establishments of the State, and that no minor nor woman shall be worked in such factory or establishment a longer period than sixty hours in one week and no adult male shall be worked in such factory or establishment for a longer period than sixty hours in one week unless there shall be a written contract entered into between said adult male and his employer to that effect, in which the employer shall agree to pay said adult male extra compensation for extra hours he may work. That no employee in any factory or manufacturer's establishment in this State shall be worked exceeding eleven hours in any one day: *Provided*, this section shall not apply to engineers, firemen, superintendents, overseers, section and yard hands, office men, watchmen or repairers of breakdowns.

SEC. 3. All parents or persons standing in the relation of parent, upon hiring their children to any factory or manufacturing establishment, shall furnish such establishment a written statement of the age of such child or children being so hired, and certificates as to school attendance; and any parent or person standing in the relation of parent to such child or children who shall in such written statement misstate the age of such child or children being so employed, or their school attendance, shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court. Any mill owner, superintendent, boss, or manufacturing establishment who shall knowingly or willfully violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court: *Provided*, that for a second conviction under this act within twelve months the fine shall not be less than five hundred dollars or the imprisonment not less than ninety days.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1915.

GUILFORD COUNTY FARM-LIFE SCHOOL LAW

Made to Apply to All Counties of the State

AN ACT TO PROMOTE THE TEACHING OF AGRICULTURE AND DOMESTIC SCIENCE IN THE PUBLIC HIGH SCHOOLS OF GUILFORD COUNTY

The General Assembly of North Carolina do enact:

AGRICULTURAL INSTRUCTION AND TRAINING IN DOMESTIC SCIENCE.

SECTION 1. That there shall be maintained in one or more of the public high schools of Guilford County, complying with the provisions of this act as hereinafter set forth, a department of agricultural instruction, and a department of training in domestic science and home economics in order to better prepare the boys and girls of said county for farm life and home making.

BOARD OF TRUSTEES.

SEC. 2. That the said school or schools shall be under the control and management of a board of trustees consisting of the members of the board of education of said county and the chairman and secretary of the board of trustees of each high school in which such departments are established.

SELECTION OF SCHOOL.

SEC. 3. That after due advertisement inviting bids from the public high schools of said county now in existence or hereafter created, the County Board of Education of Guilford County shall designate the place or places at which such agricultural or domestic science work shall be established. In designating a school, the said county board of education shall take into consideration the financial aid offered for a maintenance and equipment, desirability and suitability of location: *Provided, however,* that no such department shall be established in a school which is located in a town of more than one thousand inhabitants, nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

MAINTENANCE OF SCHOOL, PROVISIONS, ETC.

SEC. 4. That for the maintenance of said school or schools, the County Board of Education of Guilford County shall provide annually out of the public school fund, or by donation or local tax, not exceeding twenty-five hundred (\$2,500) dollars: *Provided, however,* that the present average school term of the county shall not be shortened by the appropriation herein designated. Any school applying for the benefit to be derived under this act shall first provide a building with recitation rooms, laboratories, and apparatus necessary for efficient instruction in the prescribed subjects of study and such dormitory buildings as the county board of education of said county may require, and a farm of not less than ten acres of good arable

land, said land to be situated not more than one mile from the school buildings: *Provided, however,* that before the County Board of Education of Guilford County shall designate any school as a place at which the agricultural and domestic science work shall become a part of the school curriculum, it shall first submit to the State Superintendent of Public Instruction for his inspection and approval the equipment provided for said school.

PURPOSE OF SCHOOL AND COURSE OF STUDY.

SEC. 5. That the purposes of said school or schools are to give to the boys and girls such preparation as is now given in the said county public high schools, and in addition to that to give to the boys training in agricultural pursuits and farm life, and to prepare the girls for home making and home keeping. The course of study for the said school or schools shall be subject to the approval of the State Superintendent of Public Instruction and an advisory board of farm-life schools to be appointed by him.

FACULTY AND SCHEDULE OF WORK.

SEC. 6. That the teacher or teachers of the public high school, the teacher of agriculture, and the teacher of domestic science shall constitute the faculty of the county high school, who shall arrange the weekly schedule of work and submit such weekly schedule to the County Superintendent of Education of Guilford County for his approval.

APPROPRIATION BY STATE, PROVISIONS AND TERMS.

SEC. 7. That upon its being made to appear to the State Board of Education that Guilford County has complied with all the provisions of this act for establishment, maintenance and equipment of an agricultural department and a domestic science department in connection with one or more of the public high schools of the said county, it shall appropriate and pay to the County Board of Education of Guilford County for such purpose an amount equal to that appropriated and furnished by the county of Guilford for said work: *Provided, however,* that said appropriation by the State Board of Education shall not exceed the sum of twenty-five hundred (\$2,500) dollars annually for the maintenance of said work in said county, to be paid by the State Treasurer out of funds appropriated for the maintenance of county farm-life schools by chapter eighty-four of the Public Laws of one thousand nine hundred and eleven. That any money that is now or may hereafter be appropriated by the General Assembly of North Carolina, the State Board of Education, or other State authority for agricultural or domestic science education, a part of which appropriation would, except for this act, be appropriated to Guilford County absolutely, or upon a contingency or contingencies then and in that event such appropriation which would go to Guilford County shall be turned over to the County Board of Education of Guilford County to aid in the carrying out of the provisions of this act. That compliance with the provisions of this act by the authorities of Guilford County shall be sufficient to entitle the county of Guilford to its proportion of any appropriation of money already made or which may hereafter be made for training in the science of agriculture or domestic science. The State Superintendent of Public Instruction shall issue a requisition on the State Auditor for the

amount so apportioned to Guilford County and he shall issue his warrant to the county treasurer of said county, and the money shall be placed by the said treasurer to the credit of the school or schools of Guilford County in which said agricultural and domestic science work is being conducted: *Provided, however*, that all money thus placed to their credit shall be used exclusively for the purpose of instruction in agriculture and domestic science.

AUTHORITY OF HIGH SCHOOL PRINCIPAL.

SEC. 8. That nothing in this act shall be construed to lessen the power and authority of the principal of the high school, but the instructors in the various departments shall be considered members of the faculty of which the high school principal is head.

QUALIFICATION OF TEACHERS.

SEC. 9. That no person shall be employed as teacher in agriculture or domestic science in the school or schools herein provided for unless the applicant has furnished to the trustees satisfactory evidence of a liberal English education, and in addition thereto special preparation and fitness for the specific branches to be taught, said qualifications to be passed upon by the County Superintendent of Guilford County, and if approved, submitted to the State Superintendent of Public Instruction for his approval. In addition to the above requirements the said person shall hold a high school teacher's certificate on all required subjects except Latin, Greek, and Modern Languages.

STUDENTS FROM OTHER COUNTIES.

SEC. 10. That the board of trustees of the school or schools herein provided for is authorized and empowered to admit students from other counties of the State to said school or schools, upon payment of such tuition charges as said board of trustees may fix, but all students who are residents of Guilford County shall be admitted to any of said schools without charge for tuition: *Provided, however*, that there shall be no discrimination against students coming from other counties in the charges fixed for board and incidentals

AGRICULTURAL FARM LIFE AND EXTENSION WORK.

SEC. 11. That it shall be part of the duty of the teachers of agriculture and domestic science to conduct agricultural farm life and extension work in Guilford County in coöperation, as far as possible, with such work carried on in said county by the State Department of Agriculture, the North Carolina College of Agriculture and Mechanic Arts, and the United States Department of Agriculture; to hold township and district meetings in various parts of Guilford County from time to time, for farmers and farmers' wives; to coöperate with the county superintendent of education of said county and with the commissioner of agriculture, if such officer exists, in stimulating, directing, and supervising practical farm life work in the public high school and the elementary schools of said county, and in providing instruction through the teachers' association and through a special short course of study at the schools where agriculture and domestic science instruction is given for the public school teachers of the said county.

THIS ACT MADE TO APPLY TO ANY COUNTY OF NORTH CAROLINA.

SEC. 12. This act shall apply to Guilford County, and to any other county of the State of North Carolina complying with the conditions herein required of Guilford County: *Provided*, that the amount annually set aside out of the public school fund by any county for maintenance of said farm-life departments shall not operate to increase the amount to which said county would have been entitled from the State equalizing fund if said apportionments for farm-life departments had not been set aside; and said apportionments shall be included in the necessary expenses for a four months school term for which a special tax, if necessary, must be levied under chapter thirty-three of the public laws of one thousand nine hundred and thirteen. The board of county commissioners of any county is hereby authorized to provide out of the funds for necessary county expenses the funds required under section four of chapter four hundred and forty-nine of the public local laws of one thousand nine hundred and eleven for the establishment and maintenance thereunder of farm-life departments in public high schools, and to include the same in the annual levy for necessary county expenses.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1911.

Amendments ratified the 10th day of March, 1913.

1911 (Public-Local Laws), c. 449; 1913, c. 105; 1915, c. 236.

WOMEN ON SCHOOL BOARDS

AN ACT TO AUTHORIZE WOMEN TO DISCHARGE CERTAIN DUTIES PERTAINING TO EDUCATION

The General Assembly of North Carolina do enact:

CERTAIN POSITIONS NOT DEEMED OFFICES.

SECTION 1. That positions on committees for rural and graded schools, boards of trustees for State schools and colleges for women, and subtext-book commissions, shall not be deemed offices within this State, but shall be places of profit or trust.

WOMEN MAY SERVE IN SAID POSITIONS.

SEC. 2. Women shall be eligible to serve in the places named in section one of this act under the same conditions and restrictions as are now imposed upon men: *Provided*, that the provisions of this act shall not apply to any position or place where the person holding such position or place is elected by the people.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

1913, c. 170.

COUNTY FARM-LIFE SCHOOL LAW

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF COUNTY FARM-LIFE SCHOOLS AND FOR THE PROMOTION OF AGRICULTURE AND HOME MAKING. (Chapter 71, Public Laws of 1911.)

The General Assembly of North Carolina do enact:

SECTION 1. There shall be established and maintained in every county complying with the provisions of this act as hereinafter set forth a school to be known as a "County Farm-Life School," for the training and preparation of the boys and girls of said county for farm life and home-making.

THE AIM OF THE COUNTY FARM-LIFE SCHOOL.

SEC. 2. The aim of said school shall be to prepare boys for agricultural pursuits and farm life and to prepare girls for home-making and house-keeping on the farm. The course of study in said school shall be subject to the approval of the State Superintendent of Public Instruction and an advisory board on farm-life schools, to be appointed by him: *Provided, however,* that the course of study shall include practical work on the farm by the boys and practical work in all subjects relating to housekeeping and home-making by the girls.

BOARD OF TRUSTEES.

SEC. 3. Said school shall be under the control and management of a board of trustees, consisting of one member from each township in the county, appointed by the county board of education, who shall serve until their successors shall be appointed. The first board of trustees shall be divided by the county board of education into three as nearly equal groups as possible—one group shall be appointed for a term of two years, one group for a term of four years, and one group for a term of six years. Upon the expiration of the term of office of any trustee his successor shall be appointed for a term of six years. The county superintendent of public instruction shall be *ex officio* a member of said board and secretary thereof. All vacancies occurring by death, resignation, or otherwise in said board shall be filled for the unexpired term by the county board of education.

SEC. 4. Within ten days after any county, township, or townships shall have complied with the provisions of this act as hereinafter set forth for the maintenance and equipment of said school, the members of the board of trustees shall be appointed, and the county superintendent shall duly notify them to meet at the county-seat within ten days after their appointment to qualify and organize.

LOCATION.

SEC. 5. After due advertisement, inviting bids for the location of said school within said county, said board of trustees shall locate it at such place in said county as shall offer the largest financial aid for maintenance and

equipment, having due regard for desirability and suitability of location: *Provided, however*, that said school shall not be located in any city or town of more than one thousand inhabitants, nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

BUILDINGS, FARM, MAINTENANCE, ETC.

SEC. 6. For the maintenance of said school, the county or township or school district, or all combined, wherein it is located, shall provide annually, by taxation or otherwise, not less than twenty-five hundred dollars. The county or township or school district, or all combined, shall also provide by bond issue, or otherwise, the following equipment for said school: a school building with recitation rooms and laboratories and apparatus necessary for efficient instruction in the prescribed subjects of study; dormitory buildings with suitable accommodations for not less than twenty-five boys and twenty-five girls; a barn and dairy building with necessary equipment; a farm of not less than twenty-five acres of good arable land. All of said buildings shall be located on said farm and shall be constructed in accordance with plans approved by the State Superintendent of Public Instruction, and the entire equipment shall be subject to his approval and acceptance after inspection: *Provided, however*, that, upon recommendation of the board of trustees and the presentation of satisfactory reasons therefor, the State Superintendent of Public Instruction may grant permission to said board of trustees to accept any suitable and properly equipped school building already constructed, though it may not be located on said farm, provided it be located within reasonable and convenient distance thereof, and may also grant permission to reduce the required acreage for the farm to not less than ten acres.

PROVISIONS FOR ELECTION IN COUNTY.

SEC. 7. Upon written request of the county board of education of any county, the board of county commissioners of said county may in their discretion order an election to be held in said county, in accordance with the law governing general elections therein, as nearly as may be: *Provided, however*, that a new registration shall be ordered for said election; and not less than thirty days notice of said election shall be given at the courthouse door and three other public places in said county; and if there be newspapers published in said county, a notice of said election shall also be published weekly for four successive weeks preceding said election in one newspaper therein; and the registrars and pollholders shall canvass the vote cast, declare the result, and duly certify the returns to the board of county commissioners, and the returns shall be recorded in the records of said board of county commissioners. At said election shall be submitted to the qualified voters of the county the question of levying and collecting a special tax on all taxable property and polls of said county for the maintenance and equipment of a "County Farm-life School" therein. At such election those favoring the levying and collection of such a tax for said purpose shall vote a ballot on which shall be written or printed the words "For County Farm-life School"; and those opposed shall vote a ballot on which shall be written or printed the words "Against County Farm-life School." If a majority of the qualified voters shall vote "For County Farm-life School," then all the provisions

of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls of the county sufficient to provide the sum required of said county under section six of this act for the annual maintenance of said school, and, in addition, the sum required for the payment of the annual interest on such bond issue as may be found necessary for providing the equipment for said school required under section six of this act, as said interest accrues, and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due. The bond of the sheriff or tax collector of said county shall be responsible for said tax to the same extent as it is liable for other taxes collected by him.

BONDS TO BE ISSUED.

SEC. 8. If a majority of the qualified voters at the election herein provided for shall vote "For County Farm-life School," it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in an amount not to exceed twenty-five thousand dollars for the purpose of providing the necessary equipment prescribed in section six of this act; and such authority shall be granted to and vested in said board of county commissioners, and said board is hereby authorized and empowered to issue and sell bonds in the name of said county to an amount not to exceed twenty-five thousand dollars, of such denomination and of such proportion as said board of county commissioners may deem advisable, bearing interest at a rate not to exceed six per centum, with interest coupons attached, payable at such time or times and at such place or places as may be deemed advisable by said board of county commissioners, such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not less than fifteen years from the date thereof, and at such place or places as said board of county commissioners may determine. The proceeds arising from the sale of said bonds shall be expended by said board of county commissioners in providing, by purchase or otherwise, the equipment in land, buildings, and apparatus required in section six of this act for the "County Farm-life School": *Provided, however,* that the treasurer of said county shall receive no compensation for receiving or disbursing the money which may be received from the sale of said bonds.

ELECTION IN TOWNSHIP—ISSUANCE OF BONDS TO SECURE LOCATION.

SEC. 9. The county commissioners of any county that has voted for the establishment of a "County Farm-life School" therein shall, upon petition of one-fourth of the freeholders in any township applying to the trustees of said "County Farm-life School" to secure the location of said school therein, order an election therein, to be held after thirty days notice at three public places in said township, under the law governing State and county elections as nearly as may be, and the returns of said election shall be certified by the registrars and pollholders to the board of county commissioners, and the same shall be recorded in the records of said county commissioners; at which election shall be submitted to the qualified voters of said township the

question of issuing bonds in a sum not to exceed twenty-five thousand dollars, the amount of said bond issue to be set out in the petition for said election, and of levying and collecting on all taxable property and polls in said township a special tax sufficient to provide for the payment of the interest on said township bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due. At such election, those favoring the levying and collection of such a tax for said purpose shall vote a ballot on which shall be written or printed the words "For County Farm-life School," and those opposed shall vote a ballot on which shall be written or printed the words "Against County Farm-life School." If a majority of the qualified voters at said election shall vote "For County Farm-life School," then it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in the name of said township in such amount as shall have been named in the petition and notice of election, to be sold by said commissioners for the purpose of aiding in providing the buildings and farm and other equipment for the "County Farm-life School," provided said school shall be located in said township; and if said school shall be located in said township, the board of county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls in said township, sufficient to provide for the payment of interest on said township bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due; and said board of county commissioners is hereby authorized and empowered to issue and sell said bonds of said township to the amount specified in said petition and notice of election, of such denomination and of such proportion as said board of county commissioners may deem advisable, bearing interest at a rate not to exceed six per centum, with interest coupons attached, payable at the time or times, and at the same place or places, and of the same form and tenor, and the principal thereof payable or redeemable at the same time or times and at the same place or places as the county bonds issued by said board of county commissioners for the equipment of said "County Farm-life School." The proceeds arising from the sale of said township bonds shall be added to the proceeds arising from the sale of said county bonds and expended therewith by said board of county commissioners in providing, by purchase or otherwise, the equipment in land, buildings, and apparatus required in this act for the "County Farm-life School": *Provided, however,* that any two or more contiguous townships bidding for the location of said "County Farm-life School" may unite and hold an election upon the same terms and conditions as are herein provided for one township for the location of the "County Farm-life School" at such point in said township as may be determined by the board of trustees of said "County Farm-life School": *Provided,* that the amount of bonds authorized to be issued by one or more townships in order to secure the location of the "County Farm-life School" in a given township shall be deducted from the amount of bonds authorized to be issued by the county, so as to limit the total issue of the bonds for farm, buildings and equipment to twenty-five thousand dollars.

IF ELECTION FAILS IN COUNTY, TOWNSHIP OR CONTIGUOUS TOWNSHIPS MAY PROVIDE FOR ESTABLISHMENT OF COUNTY FARM-LIFE SCHOOL.

SEC. 10. In case an election shall be ordered and held in any county as herein provided, for the establishment and maintenance of a "County Farm-life School" therein, and a majority of the qualified voters at such election shall fail to vote "For County Farm-life School" any township in said county, or any two or more contiguous townships in said county, shall, upon petition of one-fourth of the freeholders therein to be board of county commissioners of said county, have an election ordered by said commissioners upon the same terms and conditions prescribed in section nine of this act: *Provided*, that a new registration shall be ordered; and if in such election a majority of the qualified voters in said township or townships shall vote "For County Farm-life School," then, in that event, it shall be deemed and held that the board of county commissioners of said county is authorized and empowered to issue and sell bonds in the name of said township or townships in an amount not to exceed twenty-five thousand dollars, and to levy and cause to be collected in the same manner and at the same time as other taxes of the county are levied and collected, a sufficient tax on all property and polls in said township or townships to comply with all the conditions named in this act for the maintenance and equipment of a "County Farm-life School," subject to the same conditions as are herein provided for the issuance and sale of county bonds and the levying and collection of a county tax for said purpose; and the said "County Farm-life School" shall thereupon be located at such point in said township or townships as may be determined by the board of trustees of said "County Farm-life School" provided for in this act; and such school, when thus established, shall be a "County Farm-Life School" for said county, and shall be subject to all the rights, privileges and obligations and conditions prescribed in this act for "County Farm-life Schools," except as herein otherwise provided: *Provided further*, that at any time after the establishment of said "County Farm-life School" by the township or townships under the provisions of this section, the county may, under the provisions of section seven of this act, hold an election as therein provided; and if at said election a majority of the qualified voters of the county shall vote "For County Farm-life School," and the tax and bond issue provided for in said section seven for the maintenance and equipment of a county farm-life school shall be provided, as directed therein, by the county commissioners for the entire county, said school, established under this section by the township or townships, shall become a county farm-life school in all respects like a county farm-life school established under section seven hereof; and the bonds of the township or townships and the tax levied for the maintenance of said school and for interest and sinking fund on said bonds, under this section, shall be assumed by the entire county, as provided in section seven hereof, and the bonds of said township or townships shall be canceled by substituting therefor the county bonds provided for in section seven hereof.

HIGH SCHOOL DEPARTMENT CONDUCTED IN CONNECTION WITH COUNTY FARM-LIFE SCHOOL.

SEC. 11. There shall be established and maintained in connection with each county farm-life school such a high school course of study as is pre-

scribed under the high school law of the State for first-grade public high schools, and for the maintenance of such high school department of the county farm-life school there shall be the same county and State apportionments as are now made and required for a first-grade public high school under the provisions of the public high school law of the State. If an additional apportionment for said high school department of said school cannot be made out of the State appropriation for public high schools then the State and county appropriations for one or more of the existing high schools in said county shall be transferred to the maintenance and support of said high school department of said county farm-life school. If said county farm-life school shall be located at the same place with some existing public high school in said county established and maintained under the public high school law of the State, then said public high school shall be merged into and become the high school department of said county farm-life school as an organic part thereof; and the appropriations for the maintenance thereof shall be the same as the appropriations now required for a first-grade public high school under the provisions of the public high school law of the State. The requirements for teachers in said high school department of the county farm-life school shall be the same as are now required for high school teachers under the said high school law. Said high school department and course of study, however, and the entire management of the same shall be under the direction and control of the board of trustees and the principal of the county farm-life school and shall be conducted as an organic part of said school.

CERTIFICATION OF TEACHERS.

SEC. 12. No person shall be employed as principal in charge of any "County Farm-life School" who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the North Carolina College of Agriculture and Mechanic Arts, stating that he has furnished satisfactory evidence to them of his qualifications by special training and practical experience for said position. And no person shall be employed in the department of said "County Farm-life School" for the special training of girls for home making and house-keeping on the farm who does not hold a high school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the State Normal and Industrial College, stating that such person has furnished to them satisfactory evidence of qualifications by special training and practical experience for said position.

AGRICULTURAL AND FARM-LIFE EXTENSION AND DEMONSTRATION—SHORT COURSES FOR ADULTS, MEN AND WOMEN.

SEC. 13. It shall be a part of the duty of the faculty of each "County Farm-life School" to conduct agricultural farm-life extension and demonstration work in said county, in coöperation, as far as possible, with such work carried on in said county by the State Department of Agriculture, the North Carolina College of Agriculture and Mechanic Arts, and the United States Department of Agriculture; to hold township and district meetings in various

parts of the county from time to time for farmers and farmers' wives; to co-operate with the county superintendent of public instruction and with the county commissioner of agriculture, where such office exists, in stimulating, directing, and supervising practical farm-life work in the public high schools and the elementary schools of the county, and in providing instruction, through the county teachers' association and through special short courses of study at said "County Farm-life School," for the public school teachers of said county. There shall be provided in the courses of study of said "County Farm-life School" short courses in farm-life studies to which shall be admitted adult farmers, men and women; and there shall be held at said "County Farm-life School" annually one or more county meetings for the farmers and their wives of said county for instruction and demonstration work. All of the work herein required and all other work of the "County Farm-life School" shall be under the general supervision of the county superintendent of public instruction, and said school shall in all respects be an organic part of the county public school system.

ADMISSION OF STUDENTS FROM OTHER COUNTIES.

SEC. 14. The board of trustees of the "County Farm-life School" of any county is hereby authorized and empowered to admit students from other counties of the State to said school upon payment of such rate of tuition as said board of trustees may fix; but all students who are residents of the county in which said school is located shall be admitted to said school without charge for tuition, except as provided for in section ten of this act; and said board of trustees shall fix all other charges in said school at actual cost.

TREASURER OF COUNTY FARM-LIFE SCHOOL.

SEC. 15. The treasurer of said county shall be the treasurer of said "County Farm-life School," and shall receive and disburse all funds therefor, keeping and rendering annually to the board of trustees of said school a separate account of such receipts and disbursements: *Provided*, that said treasurer, if employed on salary, shall receive no additional compensation for his services; and if employed on commission, he shall receive as compensation not to exceed one per cent on all disbursements and nothing on receipts. The official bond of said treasurer shall be responsible and held liable for all funds coming into his hands for said school to the same extent as it is liable for other funds received by him as treasurer of said county.

THE CORPORATE NAME.

SEC. 16. The board of trustees of the said "County Farm-life School" and their successors in office shall be and are hereby constituted a body corporate by the name and style of "The Board of Trustees of the County Farm-life School of.....County," and by that name may sue and be sued, contract and be contracted with, purchase, hold and sell real estate and personal property, receive donations by gift or otherwise, and exercise such other rights and privileges as are conferred by law upon corporate bodies. The title to all lands and other property of the "County Farm-life School" shall vest in said board of trustees.

APPROPRIATION OF STATE FUNDS.

SEC. 17. Upon satisfactory evidence furnished to the State Board of Education that all the provisions of this act for the establishment, maintenance and equipment of a "County Farm-life School" have been complied with in any county, the said State Board of Education shall order the State Superintendent of Public Instruction to issue a requisition upon the State Auditor for the sum of two thousand five hundred dollars annually for the maintenance of said school, and the State Auditor shall issue his warrant in favor of the county treasurer of said county for said amount, which shall be paid out of the State Treasury and the money placed to the credit of the "County Farm-life School" of said county; and sufficient moneys to pay said warrants are hereby appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated: *Provided, however,* that there shall not be established more than ten such schools in any one year, and that not more than one such school shall be established in any county.

SEC. 18. This act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

1911, c. 84.

A STATE-WIDE BOND ACT FOR SCHOOL BUILDINGS

AN ACT TO PERMIT COUNTIES, TOWNSHIPS, AND CERTAIN SCHOOL DISTRICTS TO ISSUE BONDS TO BUILD SCHOOLHOUSES

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of any county in the State shall, upon the petition of the county board of education, order an election after thirty days' notice at the courthouse door and a publication of four weeks in some newspaper published in the county, to be held in any county, township or school district which embraces an incorporated town or city, or in which there is maintained a public high school, to ascertain whether the voters in said county, township or school district are in favor of issuing bonds for the purpose of building, rebuilding and repairing schoolhouses and furnishing the same with suitable equipment. The amount of bonds to be issued and the rate of interest they are to bear which shall not be more than 6 per cent per annum, payable semi-annually, and the length of time the bonds are to run, which shall not be more than twenty years, and the maximum tax that may be levied, which shall not exceed thirty cents on the one hundred dollars and ninety cents on the poll, shall be set forth in the petition of the county board of education and in the order for the election made by the board of county commissioners. In no case shall the bonds authorized under this act for an entire county exceed the sum of one hundred thousand dollars, nor for a township or school district the sum of twenty-five thousand dollars; but the bonds for a township or school district may be in addition to the bonds for the entire county: *Provided, that upon petition of one-fourth of the resident freeholders in any county, township, or school district in which one election has previously been held and carried for a bond issue and tax under this act, a second election for increasing the bond issue and tax therefor, in said county, township, or school district for the purposes herein specified, not to exceed the maximum bond issue and tax herein fixed, shall be called and held in the manner herein prescribed for holding the first election.*

SEC. 2. The election for an entire county shall be held under the rules and regulations governing general elections as near as may be, and if for a township or school district, then under the rules and regulations governing elections in special tax districts as prescribed in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five; but where the election be for a county or for a township or school district a new registration shall be ordered. At said election those favoring the issuance of bonds and the levying of a special tax shall vote a ballot on which shall be printed the words "For Schoolhouse Bonds," and those who are opposed shall vote a ballot on which shall be printed the words "Against Schoolhouse Bonds." The expenses of holding such election shall be paid out of the general school fund of the county.

SEC. 3. If a majority of the qualified voters shall vote "For Schoolhouse Bonds," then it shall be the duty of the county board of commissioners to issue bonds not exceeding the amount specified in the order of election as

the county board of education may request, and shall thereafter annually levy a sufficient tax not exceeding the amount specified in the order of election to pay the interest on said bonds and create a sinking fund sufficient to pay the principal and interest on said bonds when they fall due.

SEC. 4. The said bonds when so issued shall be delivered to the county board of education, who shall sell the same for not less than par and hold the proceeds for the benefit of the county building fund if the election be for the entire county or for the benefit of the township or school district in which the election was held. The said fund shall be paid out upon the order of the committee or trustees of the township or school district to which the fund belongs, and upon order of the board of education if the fund belongs to the entire county. The sinking fund provided for by this act shall be invested by the county board of education in safe securities or may be deposited in the bank that will pay as much as four per cent per annum compounded quarterly, and will give a sufficient bond for the safety of such deposit. *The funds derived from the sale of bonds for the benefit of any school district having a bonded treasurer shall be deposited with said treasurer to the credit of such district: Provided, however, that no treasurer handling the funds derived from the sale of bonds voted under the provisions of this act shall receive any commission therefor.*

SEC. 5. That the taxes levied hereunder shall be collected by the sheriff or other officer charged with the collection of other taxes, and they shall in respect thereto be liable officially as well as personally to all requirements of the law now or hereafter to be prescribed for the faithful collection and payment of other county taxes.

SEC. 6. This act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this the 26th day of February, 1915.

1915, c. 55; 1917, c. 142; c. 285.

BONDS FOR SCHOOLS IN CITIES AND TOWNS

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OR OTHER GOVERNING BODY OF TOWNS AND CITIES TO ISSUE, UPON APPROVAL BY VOTE OF THE PEOPLE, BONDS FOR PURCHASING SITES, ERECTING BUILDINGS, ETC., FOR SCHOOL PURPOSES

The General Assembly of North Carolina do enact:

SECTION 1. That whenever it shall be necessary in the judgment of the board of aldermen or other duly constituted authority of any incorporated town or city in the State, which is in charge of its finances, to purchase lands or buildings or to erect additional buildings for school purposes, said board of aldermen or other authority is authorized and empowered to issue for said purposes in the name of said town or city, bonds of such amounts as said board of aldermen or other authority may deem necessary in such denominations and forms as said board of aldermen or other authority may determine: *Provided*, that the time of the payment of the principal of such bonds shall not be more than thirty years from the date thereof; and, *Provided further*, that said bonds shall be serial bonds, the proportionate parts thereof being payable annually during the term for which they are issued.

SEC. 2. That said bonds shall bear interest at no greater rate of interest than six per cent per annum, payable semi-annually. In no case shall the bonds be sold, hypothecated or otherwise disposed of for less than their par value.

SEC. 3. That said bonds shall be signed by the mayor, attested by the town or city clerk or treasurer, and sealed with the corporate seal of said town or city, and shall bear the signature of the town or city clerk and treasurer written, engraved or lithographed. The purchaser of said bonds shall not be bound to see to the application of the purchase money. Said bonds and their coupons shall be exempt from town or city taxation until after they become due, and the coupons shall be receivable in payment of town or city taxes. The said bonds shall be sold at either public or private sale with or without notice, as the said board of aldermen or other authority may determine.

SEC. 4. That the board of aldermen or other proper authority of said towns and cities is hereby authorized to levy and collect each year, in addition to all other taxes in said city, an ad valorem tax upon all the taxable property, *and polls, observing the constitutional ratio*, in said city, sufficient to pay the interest on said school bonds as the same become due, and also at or before the time when the principal of the said bonds become due, a further uniform ad valorem tax upon all taxable property *and polls, observing the constitutional ratio*, in said city, sufficient to pay the same or provide for the payment thereof; such taxes shall be levied and collected at the same time and in the same manner as other taxes are levied and collected upon property in said city: *Provided*, that the taxes collected under this act for the payment of said bonds and coupons, shall be used for no other purpose, and it shall be the duty of the clerk and treasurer of said town or city, as said cou-

pons are paid off and taken up, to cancel the same and report not less than twice a year to the board of aldermen or other proper authority the numbers and amounts of the coupons so canceled.

SEC. 5. That the question of the issue of said bonds shall be submitted to a vote of the qualified voters of each town or city at such time as the board of aldermen or other proper authority of the town or city shall determine under the rules and regulations prescribed for the election of the mayor and members of the board of aldermen of said city; the said board of aldermen or other authority shall cause a notice of said election and the purpose of same to be published in some newspaper of said town or city for thirty days before said election, and the clerk of the Superior Court of the county in which said town or city is located shall cause to be prepared and distributed at the various polling places in the said town or city a sufficient number of printed ballots favoring the issue of said bonds and a like number against the same; the said board of aldermen or other authority shall cause to be prepared and delivered at each polling place in the said town or city a ballot box indicating the purpose of the bond issue to be voted therein, as follows, "School Bonds \$....." (stating the amount authorized by the said board of aldermen or other authority). All qualified voters wishing to vote in favor of the issuing of said bonds and levying the taxes herein provided for, shall vote a written or printed ticket with the words "For School Bonds," and those wishing to vote against issuing said bonds and the levying of the taxes herein provided for shall vote a printed or written ticket with the words thereon "Against School Bonds." If a majority of said qualified voters shall vote "For School Bonds" on the proposition submitted for issuing bonds for the purpose aforesaid, then it shall be deemed and held that the proposition receiving a majority of such qualified votes is favored and approved by the majority of the qualified voters of such town or city, and the said board of aldermen or other authority of such town or city shall cause to be prepared and issued for the purpose so approved of by a majority of the qualified voters of said town or city and levy taxes in accordance with the provision of this act.

SEC. 6. That the registration for the election shall be, if the said board of aldermen or other authority shall so order, the same as that which is or may be provided for the election of the mayor or other officers of said town or city, or the said board of aldermen or other authority may, in their discretion, order a new registration in the manner provided by law for new registration for election of said mayor and other officers, which said new registration may be especially for said bond election.

SEC. 7. That this act shall apply to towns or cities which have powers under special acts or charters as well as to those who derive their powers from the general law.

SEC. 8. That this act shall not be deemed or construed to repeal or abridge any powers, rights or privileges heretofore or hereafter granted by any special acts to any town or city, but shall be construed to grant additional powers where no such powers have been granted or coördinate powers where such powers have been already or shall be granted.

SEC. 9. That all laws and clauses of laws in conflict with this act, except as hereinbefore set out, shall be and are hereby repealed.

SEC. 10. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1915.

1915, c. 81; 1917, c. 130.

SPECIAL-TAX SCHOOL DISTRICTS, CREDITS FOR TAX OF NON-RESIDENTS

The General Assembly of North Carolina do enact:

SECTION 1. That any parent or person *in loco parentis* residing outside of any special-tax district, urban or rural, chartered or otherwise, and owning property within said district, whose child, children or wards shall attend school in said distict, shall be entitled to receive as a credit on the tuition of said child, children or wards the amount of special school taxes paid on said property.

SEC. 2. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 5th day of March, 1915.

1915, c. 93.

CONSTRUCTIONS
OF THE
PUBLIC SCHOOL LAWS
OF
NORTH CAROLINA
BY THE
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

"The County Board of Education and all other school officers in the several counties shall obey the instructions of the State Superintendent and accept his constructions of the school law." (Section 4090, chapter 89, Revisal of 1905.)

A

STATE SUPERINTENDENT'S CONSTRUCTION OF THE COMPULSORY ATTENDANCE ACT OF THE GENERAL ASSEMBLY OF 1913, AS AMENDED

A conservative, State-wide compulsory attendance law was passed by the General Assembly of 1913, requiring attendance for four months continuously each year of all children between the ages of eight and *fourteen* years, allowing reasonable exemptions and providing reasonable penalties and adequate but inexpensive machinery for its enforcement. The following amendment to this bill was adopted and made section 11 of the act:

"The board of education of each county shall have power at their regular meeting held in July of each year and thereafter at any regular meeting to make such rules and regulations as they may deem best to secure the attendance of all children between the ages of eight and *fourteen* years upon schools of the county, and such rules and regulations, when approved by the county superintendent of public instruction, and posted at the courthouse door and at the door of each public schoolhouse in the county, shall supersede any provisions of this act in conflict therewith."

On account of a natural misconception by the press of the State in its reports of the meaning and effect of this amendment there is a widespread but erroneous opinion that any county board of education can, at its pleasure, set aside and practically nullify this act. In my opinion, the amendment does not by any means nullify the act. It is still obligatory upon every county to provide for compulsory attendance; in fact, the amendment itself states its purpose to be "to secure the attendance of all children between the ages of eight and *fourteen* years upon the schools of the county." No county board of education, therefore, is authorized to adopt any rules and regulations different from the provisions of the act that will not secure such attendance. This amendment, which is made section 11 of the act, must be construed with the other sections of the act, so that all may stand together, if possible, and so as to accomplish its clearly stated purpose of securing the attendance of all children between the ages of eight and *fourteen* years upon the schools of the county. In my opinion, therefore, it is clearly an enabling instead of a disabling section of the act applicable only to the machinery for the enforcement of the law for securing compulsory attendance, allowing discretion in the modification of this machinery so as to meet the different conditions in different counties, but conferring no power upon the county board to revoke or annul the general and fundamental provisions of the law as set forth in the first four sections thereof, or to defeat the purpose of the law as clearly set forth therein and reaffirmed and emphasized in the amendment itself, "to secure the attendance of all children between the ages of eight and fourteen years upon the schools of the county."

If the purpose and effect of this amendment should be construed to be to authorize county boards of education by passing rules and regulations to annul a law passed by the General Assembly, and in effect to enact another law in lieu thereof, then the amendment would *de facto* confer legislative power upon the county board of education, and would, therefore, be clearly

unconstitutional. It would seem to be clear that the amendment was intended not to destroy the law, but to give flexibility to its administration. This is my construction of this law. In this construction the Attorney-General concurs. Under section 4090 of the Revisal of 1905 all school officers in the various counties are required to accept the State Superintendent's construction of the School Law; therefore, this construction of the compulsory attendance law will hold until overruled by the courts of North Carolina.

The purpose of the whole act to secure attendance of all children between the ages of eight and *fourteen* years upon the public schools is so clear, and the provisions of the compulsory attendance law are so moderate, reasonable, and conservative that I earnestly hope and believe that most of the county boards of education will find it unnecessary and undesirable to make any material changes in them, and will coöperate heartily in the enforcement of the law practically unchanged.

Section 3 of the omnibus bill of 1915 provides also that any county board of education, or any board of trustees of a town or city of more than two thousand inhabitants, may in its discretion raise the age limit to *thirteen* or *fourteen* years.

(Compulsory age limit has been raised from twelve to fourteen years.)

1. **The State Superintendent Has No Authority** to allow a parent or guardian to teach a child at home in lieu of sending such child to school for four months in the year, according to the compulsory school law. (September 8, 1913.)

2. **County Board of Education** has the right to allow attendance officer reasonable compensation to cover extra cost of prosecution under compulsory school law. (December 23, 1913.)

4. **Attendance Officer** may serve notices by mail on parents as to the absence of children from school. (See amendment compulsory school law, 1915.) (April 12, 1915.)

5. **Member of District Committee** may be appointed attendance officer. (July 31, 1913.)

6. **Refusal of Parent** to have child vaccinated in accordance with orders of Board of Health does not excuse the withdrawal of the child from school during compulsory period. (November 25, 1913.)

7. **A Pupil May Not** "work off" the required four months of compulsory school attendance at any time except that prescribed by the county board of education. (November 4, 1913.)

8. **Where Transportation is Provided** for children beyond the two-and-a-half-mile limit, the compulsory law should be made to apply. (December 14, 1914.)

9. **Attendance Under the Compulsory Law** must begin with compulsory period nearest eighth birthday of child and last four full terms of four months each. If a child becomes twelve years of age during a compulsory period, he must continue in school until the end of the compulsory period. The law does not recognize attendance for less than four months. (October 24, 1913.)

Under the amendment of 1917, compulsory period continues six full terms, and the child becoming fourteen years of age during the period must continue until end of compulsory attendance.

10. **The Expense of Transportation** of attendance officer cannot be taxed as part of costs in suit under compulsory act. Must be provided for under section 5 of compulsory law. (December 23, 1913.)

11. **Private School Teachers** must keep such records and make such reports of attendance of children under their instruction as will furnish satisfactory evidence that children of compulsory age are receiving satisfactory instruction and are attending regularly during the compulsory period. (November 12, 1913.)

12. **Notice of Absence of Child of Compulsory Attendance Age.**—Notice by school committeeman, unless he was also appointed as attendance officer, would not be sufficient notice under the compulsory attendance law. The fact that such committeeman had in his possession notices that are distributed by the State Department of Education to county superintendents would not be sufficient to constitute him a *de facto* officer under the law. The fact that a school committeeman is appointed attendance officer must appear in the minutes of the county board of education in order for him to have proper authority to serve as attendance officer. (April 12, 1915.)

I

DUTIES AND POWERS OF THE COUNTY BOARD OF EDUCATION

1. **Selecting a County Superintendent.**—The board has no more important duty than this, of electing a county superintendent. I beg to urge the observance of the following in the selection of a county superintendent: (1) Without fear, without prejudice, political or sectarian, having before your eyes only the welfare of the children and the success of the public schools, select the most competent man to be had for the money, choosing him from your county if such a man is to be found there, and if not to be found in the county, seeking him wherever he can be found, as the law permits. (2) If your present county superintendent possesses the necessary qualifications for a successful administration of his delicate, difficult, and important duties, as I trust he may, reelect him and give him a chance to show what is in him and to make a greater success of his work, by paying him, if possible, a sufficient salary, under section 4144, to justify him in giving all his time and thought to the work of supervision, and to justify you in requiring him to do this. (3) Take advantage of the law and pay your superintendent as large a salary as your school fund will justify, but be sure that you get *more man and more time for more money. The county superintendent's office is the most important office in the county. He need not be a resident of the county when elected. If possible, he should be paid large enough salary to enable him to devote all his time to his work.*

2. **School Term Should be Continuous.**—The purpose of section 4123 is to prevent the division of the school term into two, as was so often done formerly, to the detriment of the school. *It simply means that the school term must not be divided and taught during different seasons of the year, unless*

some epidemic or other providential cause interferes with the regular term. The county board must exercise this control if it would carry out the provisions of section 4116.

3. County Board and Superintendent May Make Regulations to Secure Regular and Prompt Attendance of Pupils and Teachers.—*Under the provisions of section 4122 the county board and the county superintendent may make and enforce such attendance regulations as may be necessary to secure regular and prompt attendance on the part of the children. The same authority may also regulate the attendance of teachers on all meetings which may be thought to promote educational progress.*

4. Mandamus Proceedings Against Commissioners Refusing to Levy Tax.—When the county board of education has estimated the amount of money additional it will take to run the schools of the county four months and has requested the county commissioners to levy an additional tax sufficient to supply the deficit, the commissioners, having no discretion in the matter, are compelled to make the additional levy. If they refuse to do so, the board of education should bring a mandamus proceeding to compel the county commissioners to levy the tax, as directed in section 8, of chapter 33 of Public Laws of 1913. The judge of the Superior Court hearing the same shall find the facts as to the amount needed and the amount available from all sources, which finding shall be conclusive, and shall give judgment requiring the county commissioners to levy the sum which he shall find necessary for four months. (August 16, 1909.)

5. Expense of County Board in Maintaining Its Authority Authorized.—Any reasonable expense, including attorney's fees, incurred by the county board of education in maintaining its authority and in executing the school law is authorized by section 4125. The county board, however, sits as a court, and I do not think it would be justified in employing counsel to maintain a position taken by one faction in a district against another faction of the people. The position of the board is and ought always to be a judicial one; but after the board has taken a position upon any question, or has made a ruling, then it would be both lawful and proper for it to employ necessary counsel to sustain it. (April 2, 1909.)

6. Lease of School Property by County Board.—The county board of education has no authority to lease a part of the school building to secret order, or for other purposes, for a period of time extending beyond its term of office. (January 15, 1910.)

7. School Sites; Power of County Board to Fix, Not Limited.—The power of the county board of education to fix a school site in any school district, local tax or nonlocal tax, is not limited. (January 17, 1911.)

8. County Board May Offer Reward for Arrest.—The county board of education has the authority, under the general provisions outlined in section 4121 of the Revisal, to offer a reasonable reward for the apprehension and conviction of the parties who burn a public schoolhouse. (April 12, 1911.)

9. Member of County Board May be Allowed Compensation for Services as Acting Superintendent.—In case of a vacancy in the office of county superintendent, pending a *bona fide* effort to fill the vacancy, a member of the county board acting as county superintendent may receive compensation for this service. (June 27, 1911.)

10. Retiring Member of Board of Education Has No Voice in Selecting Superintendent.—A retiring member of the county board of education whose term of office expires on the day the county board is to select a county superintendent for the next two years has no voice in the selection of said superintendent. The superintendent should not be chosen until the incoming new member of the board has qualified and has taken his place as a member of board. (July, 1911.)

11. The County Board of Education has the right to review the decisions of school committees in all cases where controversy arises, and the decision of the county board is binding on all parties until reviewed by the courts. (March 26, 1913.)

12. Districts May be Abolished or Consolidated by county board of education, but provision must be made for each child of school age to attend some school free of tuition. (October 16, 1914.)

13. Children May be Transferred by county board of education from a nonlocal-tax district to a local-tax district for the regular school term, provided the consent of committee in local-tax district is given. If such children attend longer than the term provided by the county and State taxes, however, the local committee have a right to charge a reasonable tuition. (October 20, 1914.)

14. County Board of Education Cannot Compel committee in a local-tax district to admit children from outside the local-tax district free of tuition. (October 7, 1913.)

15. If School is Closed in a special-tax district before all the special-tax funds are used the amount remaining must be left in the hands of the treasurer to the credit of the local committee, and be used by them for teachers' salaries at the succeeding term or terms of the school. (January 18, 1915.)

16. The Closing of a School for Nonattendance.—Section 4164 places the closing of a school for nonattendance absolutely in the hands of the county board of education upon recommendation of the county superintendent. If the attendance runs below one-fifth of the school attendance, and as low as not more than six to ten children in daily attendance, good judgment and economy would suggest the advisability of putting parents and teachers on notice that, unless they can secure a sufficient attendance to justify the continuance of the school, it will be closed. (March 27, 1915.)

17. The Borrowing of Money by county board of education for the payment of teachers' salaries as specifically authorized and directed in section 4164 of the Public School Law, and the board should exercise the privilege thus granted in securing funds for the prompt payment of teachers' salaries monthly if the funds cannot be secured otherwise.

18. Duty of the County Board of Education to Pay Teachers' Salaries Promptly.—Under section 4164 of the Public School Law, it is the duty of the county board of education to borrow the money for the payment of teachers' salaries, if found necessary to do so before the taxes have been collected and turned over to the treasurer. The bank from which the money is borrowed on the note of the county board of education, under the agreement, has the right to hold for its own protection and the protection of the county board teachers' vouchers paid as collateral security in payment of the note until the money is in the hands of the treasurer from the payment

of the taxes for the settlement of the note, or for partial payments on the note from time to time, which could be paid in and credited on the note as paid in. When the money from taxes collected is in the hands of the treasurer, and he turns it over to the bank and takes up the note, or any parts thereof, if paid at different times, the bank shall then turn over to the treasurer the teachers' vouchers, and the treasurer will then be entitled to his commissions on such part or all of the amount borrowed as he may have paid, and for which the bank turned over to him the teachers' vouchers as vouchers in his hands for the amount paid to the bank. This item, if outstanding on the first of July, will have to be reported as money borrowed for the payment of teachers' salaries, under section 4164, both by the treasurer and the county superintendent, for the board of education on the financial report of each. (July 24, 1916.)

19. **Appropriation for Buildings** in graded school districts and in cities and towns should be made by the county board of education on exactly the same basis as for other school districts. The county and the school district are the only school units recognized under the law, and the fact that a district has a special charter should not operate to exclude that district from an equitable share in the county building fund. (February 21, 1913.)

(a) **Public School Funds** may not be appropriated by county board of education for special privileges at a private library. (See section 4116.) (January 15, 1915.)

(b) **Public School Funds** may not be used for employing health officer until six months term is reached in every district. (June 23, 1913.)

(c) **Public School Funds** may not be used to purchase automobile for use of county superintendent. (June 14, 1913.)

20. **Member of County Board of Education May Not Vote by Proxy.**—There is no provision in the law by which a member of the county board of education may leave his proxy or power of attorney with another member of the board to vote for him during his absence from the State. (March 28, 1917.)

21. **Meetings of County Boards of Education.**—Under section 4133 of the Public School Law the county board of education is authorized and directed to hold meetings on the first Monday in January, April, July, and October. Each of these meetings may continue in session two days, if necessary. The board may have called meetings of one day each as often as once a month, if the school business of the county require it. This would authorize one called meeting for each month of the year, if found necessary. The called meetings, therefore, could not exceed one each for each of the twelve months during the year, and could not exceed one in any month. (July 25, 1916.)

22. **Compensation of a Member of County Board of Education for Special Services.**—A member of the county board of education, by order of the county board, may be paid, in addition to actual expenses, a per diem not to exceed the regular per diem of a member of the board, for extra service, ordered by the county board of education, as the representative of the county board in connection with the work that the law places under the control of the county board and makes the county board responsible for which the county superintendent, as the representative and the agent of the board,

cannot attend to. In cases of this sort an extra service calling for extra compensation by members of the county board of education, ordered by the board, should not be ordered except in cases of emergency which the county superintendent cannot look after and in which the interest of the schools would materially suffer without such extra service of the members of a committee of the board. Such extra service and compensation by members of the board are always subject to criticism and sometimes to abuse, and should be avoided as far as possible. (July 25, 1916.)

II

THE COUNTY SUPERINTENDENT

1. Office Expense for County Superintendent; County Board Must Provide for.—Section 4139 of the Public School Law requires the county board of education to provide the county superintendent with an office at the county seat. I do not think there can be any doubt as to the meaning of these words. Evidently an office without heat would be an unheard-of thing; therefore, I am sure that fuel should be included, also necessary furniture and office supplies.

2. Weekly and Monthly Reports. The law fully authorizes the county superintendent to require such reports from teachers in charge of public schools as to him seem advisable. Voucher for teacher's salary should not be approved at the end of the month till the monthly report has been received. The same rule should be adopted with reference to final reports.

3. May a County Superintendent Teach?—For good and sufficient reasons, a county superintendent will be permitted to teach during the year, provided satisfactory arrangements be made for visiting the schools while in session and otherwise obeying the law. Whatsoever arrangements are made should be submitted to the State Superintendent and the State Board of Education for approval. But it is best, wherever possible, for the superintendent to give his undivided time to the supervision of the schools in his county.

4. The Professional Qualifications for County Superintendent made by section 4135, so far as they refer to experience, mean actual teaching or actual supervision of schools. The chairman of the county board of education could not be considered as a supervisor of schools within the meaning of this act. (November 23, 1914.)

III

DUTIES AND POWERS OF SCHOOL COMMITTEEMEN AND TRUSTEES

1. Removal of Committeemen from Office.—Under section 4126 of the Public School Law the county superintendent, when charges are made against committeemen, should report such charges to the county board of education, which board should then formulate the charges and give in writing at least ten days notice to the committeemen of the charges preferred against them. This notice should be served by the proper officer, as directed by section 4127 of the Public School Law, unless the committeemen accept service in a different manner. The county board should appoint a day for

the hearing of the charges and thoroughly investigate them, giving the accused committeemen an opportunity to be heard and to offer evidence. After such hearing the board should decide whether the committeemen should be removed or not. A complete record of the entire proceedings should be entered on the minutes of the board.

2. Trusteeship an Office of Trust.—Under the language of the Constitution and the decisions of our courts, I am constrained to believe that a trustee or committeeman of a school should be regarded as holding an office of trust. (May 3, 1909.) Under section 1 of chapter 170 of the Laws of 1913, *Women on School Boards*, these positions are declared to be places of profit or trust and not offices in this State.

3. Retiring Trustees Have No Voice in Choosing Their Successors.—In the election of new members of a board of trustees of a graded school the retiring members should have no voice in the election of their successors. (May 18, 1909.)

4. Voucher for More Money Than is to the Credit of the District.—The law forbids the signing of a teacher's voucher for more money than the district has to its credit. Section 4150.

5. Trustee or Committeeman Cannot Hold Other Public Office.—"A public office is an agency for the State, and the person whose duty it is to perform the agency is a public officer." The first question asked is, Can a party who is school trustee and committeeman, without pay or profit, hold, at the same time, the position of county commissioner? I do not think so.

In the case of *Barnhill v. Thompson*, 122 N. C., 493, it is held that the board of county commissioners and the county board of education each constitute an office, and what is said there in regard to the county board of education, I think, applies with equal force to school trustees or school committeemen. The fact that no salary was received in one of the places makes no difference. *Welker v. Bledsoe*, 68 N. C., 457.

Second: Can one person be, at the same time, clerk of the Superior Court and a member of a school committee? I do not think he can. A clerk of the court is clearly an officer within the meaning of the Constitution, Article XIV, section 7. See *White v. Murray*, 126 N. C., 156.

Third: Can a man hold, at the same time, the position of school committeeman and be a trustee for the Institution for the Feeble-minded? I think these positions are incompatible. In the case of *Welker v. Bledsoe*, *supra*, Chief Justice Pearson says: "The duty of acting for and in behalf of the State constitutes an office. According to this principle, the trustees of the University, the directors of the Penitentiary, of the lunatic asylum, and of the Institution for the Deaf, Dumb, and Blind are public officers. This is put beyond doubt by the Constitution, Article XIV, section 7." (April 18, 1911.)

6. Pupils May Not be Debarred from public schools by committee on account of previous immoral conduct, provided the conduct of such pupils at present is not such as to be detrimental to other pupils. (September 18, 1913; December 19, 1914.)

7. Committee May Dismiss Teacher who has tuberculosis or other disease which might be damaging to pupils. (December 26, 1913.)

8. Committeemen Cannot Contract with Teacher for a longer term than

the public money will provide; and any contract made for a longer term than can be provided by the public money of the district is not binding on the committee. (January 7, 1914.)

9. Committeemen for Special-tax Districts.—Section 4115 of the Public School Law directs the county board of education to appoint a committee for special-tax districts voted under that section, and I have always ruled that such a committee should be appointed and that their authority in that district supersedes the authority of the township committee. I think there can be no doubt about this. (June 14, 1915.)

10. A Man Who is Not Eligible to Vote May Serve as School Committeeman.—The position of school committeeman or member of the board of trustees of educational institutions is declared to be a place of profit or trust, and not an office, and, therefore, a man is eligible to serve as a school committeeman who has not been in the State two years and is not a voter. These are requisite for holding office, but not for holding a place of profit or trust that is declared by statute not to be an office. (September 25, 1916.)

11. Acts of a School Committeeman Whose Term is About to Expire, Legal. Under section 4145 of the Public School Law, which expressly states that a committeeman shall serve until his successor is elected and qualified, any action of the committeeman in the meantime as school committeeman would be legal. The employment of a teacher and the contract with her, however, would not be legal unless the requirements of section 4161 of the Public School Law were complied with. (August 31, 1916.)

IV

DUTIES, PRIVILEGES, AND QUALIFICATIONS OF TEACHERS

1. College Diploma No Exemption From Examination.—Section 4163 of the Public School Law abolishes all exemptions from examination heretofore conferred by certain diplomas. Every applicant for certificate must be examined by the county superintendent and hold a certificate from him or from the State Board of Examiners before contracting to teach in any public school.

2. Road Duty; Teacher Not Exempt.—Under section 2725 of the Revisal of 1905 no one of road age is now exempt from the provisions of the road law, except by special statute of the General Assembly or by special action of the road supervisors.

3. Compensation for Substitute Teacher.—The question of allowing compensation for a substitute teacher during the illness of the regular teacher is one that appeals to the sense of justice. If the compensation is allowed, order for the same would have to be made in behalf of the regular teacher, who would then pay the substitute teacher himself. The committee would have no legal right to sign a voucher for the payment of the salary of any teacher who did not hold a teacher's certificate. Of course, the substitute teacher should be acceptable to the committee.

4. Teacher Has Right to Make and to Enforce Rules for Discipline in Schools.—Under section 4166 a teacher in a county school has the right to

make and enforce reasonable rules for the maintenance of such discipline as may seem proper to the teacher. Appeal from these rules may be made to the county board of education, who, for sufficient cause, may rescind the rules.

5. Teachers' Rights Over Pupils on Way to and from School.—The teacher has a right to make reasonable rules governing the conduct of pupils on the way to and from school, and to enforce same. (April 2, 1912.)

6. Contract With Teacher Binding; When Not.—Contract with teacher is binding in case schoolhouse burns and can be easily substituted for by renting or otherwise. But if suitable place to teach cannot be secured, committee is not bound. (June 9, 1911.)

7. Salary of Second Grade Teacher Cannot Exceed \$35.—Under section 4163 a committee in a special-tax district is not authorized to employ second grade teacher for more than \$35. (July, 1912.)

8. Thanksgiving Day a Legal Holiday.—Thanksgiving Day is a legal holiday and should be counted as a day in the school month. It would be both unlawful and impious to charge up the Day of Thanks against the teachers of the State. (December 4, 1909.)

9. Holidays.—It has been our ruling that Thanksgiving Day should be observed as holiday in the public schools, and that the teachers as well as the pupils must be given that day. The observance of other holidays is largely a matter of regulation by the county board of education and the school committee. With our short school term, especially in the rural schools, I should not advise the observance of other holidays—like Washington's birthday—except by special exercises of a patriotic nature in the schools. If other holidays are taken, except under extraordinary circumstances, the teacher should, in my opinion, be required to make up the time at the end of the term. (March 21, 1917.)

10. What Constitutes a School Day?—I presume that in construing the law fixing a school day at not less than six hours nor more than seven hours the committee would have to use the same common sense that they would use in other business. A literal construction of the law would, I presume, require at least six hours of school work. A reasonable construction would probably allow short recesses to be taken out of this time, as the teacher is compelled to remain and have supervision of the children during recesses. If the amount of time taken for recess is excessive, of course, it should not be included in the six hours. You can easily understand how, if the teacher was allowed to count all recesses and to give as much time for recesses as he chose, the number of hours of work might be too greatly reduced. Whether the law ought to be construed to require six hours of actual school work would depend, I think, to some extent, upon the season of the year and the distance that the children living farthest from the school had to walk. For example, in many places it would be difficult in the winter to begin earlier than 9 a. m. or to close later than 4 p. m. This would give six hours of work, with an intermission of an hour for dinner, but would not include any short recesses between times, which are usually desirable, and which, I think, ought to be included in the six hours.

The trustees of a school operated under special charter may, in conjunction with teachers, make such regulations as they deem wise.

11. Criminal Charges Against Teachers.—The committee should refuse to sign the voucher of a teacher who falsified in his report as to the number of days he taught, and should report the facts to the county board of education, giving their reasons for refusing to sign. Then, under section 4127, the county board of education could investigate the matter, after written notice of ten days as therein provided, and, if the charges be sustained, could debar the teacher from teaching and cancel his certificate.

12. Teacher Cannot Expect Reimbursement from School Fund for Stolen Property; Cannot Sue Board for Such Loss.—School authorities should not be held responsible for personal property of teacher while in the employ of school, even if property is stolen from public schoolhouse. Trustees can make allowance to teacher for such stolen property if they think proper, but the school fund is not liable in damages for amount by suit. The county board of education is a corporation conducting part of the functions of the State Government, and suit cannot be brought against it in the absence of a statute so providing. (July 3, 1911.)

13. High School Principal Cannot Serve as Member of County Board.—Under section 4119 a principal of a public high school cannot serve as a member of the county board of education. (July 3, 1912.)

14. (a) Teacher May Require pupil to study subjects prescribed by law, and if parent objects to the child's taking the prescribed course the teacher may dismiss the pupil from school. (November 13, 1912.)

(b) Teacher May Require children to sweep the school room and perform other similar duties where there are no funds provided for janitor service. (September 20, 1913.)

(c) Compensation for Time School is Stopped on Account of Providential Hindrance.—A teacher may not legally draw salary for the time school is stopped on account of providential hindrance. Man cannot be held responsible for the act of God. (April 13, 1916.)

15. Salary of Teachers in Special-tax District.—Special-tax funds may be used for the improvement of the special-tax school, such as supplementing the salary of first grade teachers, in order to get better teachers, improving the schoolhouse grounds and equipment, all of which are purposes for which school funds can be legally used, under the Public School Law, and the recommendations of the special-tax committee unless unreasonable, should be approved by the county board of education and the county superintendent. In this matter of improving the school of a special-tax district the main purpose and the main inducement for supplementing the State and county apportionment by local taxation is to improve the district school, not only by extending the term, but by improving the equipment and securing the best teachers possible. (January 31, 1916.)

V

RIGHTS AND OBLIGATIONS OF PATRONS AND PUPILS

1. Rights of Bona Fide Citizens to Patronize School.—Any person moving into a graded school district and becoming a *bona fide* citizen has a constitutional right to send his children of school age to the public graded school of such district without paying tuition, from the time that he becomes a *bona fide* citizen of that district.

2. **Bona Fide Residents Entitled to School Facilities.**—When a person moves to a town for the purpose of making his home there, he at once becomes a *bona fide* resident, and, therefore, has a right to send his children to the local public school. But, on the other hand, if he moves to town just for a few months in order to get the benefit of the graded school, then he should not be regarded as a resident, and, therefore, would not be entitled to send his children to the graded school without the payment of tuition. I am of the opinion that an order made by the school board that for one to be entitled to send his children to school he must have been a *bona fide* resident of the town or district for twelve months is an *ultra vires* act on the part of the authorities. This would be in violation of the Constitution providing that all children have an opportunity to go to school four months each year. (January 8, 1910.)

3. **Patrons of School District Defined.**—The patrons of a public school district are those living in the district who have children or stand *in loco parentis* to children within the school age. (August 5, 1909.)

4. **Admission of Pupils Cannot be Refused Because of Overcrowded Conditions.**—Graded school trustees or committees have no legal right to refuse, for the reason that the grades are overcrowded, to admit pupils who are of school age and residents of the district. (January 22, 1910.)

5. **Pupils Over Twenty-one Years of Age May Attend School Upon Payment of Tuition.**—Section 4151 of the Public School Law provides that tuition in the public schools shall be free to all children between the ages of six and twenty-one, and also gives authority to the school committee to admit as pay students persons over twenty-one years of age. The tuition charges for such pupils must be fixed by the committee and the proceeds turned over to the county treasurer, to be used as a part of the public school funds of the district. (April 16, 1906.)

6. **Children of Orphanage Have No Legal Right to Attend Public School Free of Tuition.**—Question: Whether or not the children of an orphanage located within the corporate limits of a town have a legal right to attend the public school of the district without tuition. They have not. (January 19, 1911.)

7. **Children of Orphanage Should Not be Included in Census.**—Children who are inmates of an orphanage situated within the borders of a graded school district should not be included in the census of pupils who may be expected to attend said graded schools. (July 2, 1912.)

8. **Public Schools for Indians; County Board Must Provide.**—It is the duty of the county board of education to provide public school facilities for the Indian children of the county in which such children may reside. The Indian children should be treated as white and negro children in the apportionment of the school funds of the county, and separate schools, under the law, must be provided for them, if they are taxpayers and the Federal Government has provided no school or inadequate school facilities for them.

9. **A Pupil is Not Exempt from road duty if he is a resident of the district.** If a nonresident, he is exempt. (November 12, 1913.)

10. **Pupils May Not be Required by teacher to make up work on Saturdays** which was missed on regular school days. (October 26, 1914.)

11. **High School Students** from outside the county should be charged reasonable tuition rates for attendance upon State high school. (September 10, 1914.)

12. **Studies for High School Pupils.**—The course of study for public high schools is prescribed by the State Superintendent of Public Instruction. It is given in detail in the bulletin issued by the office of the Superintendent of Public Instruction. Students of the high schools are required to pursue this course, unless they offer to the teacher and the high school committee valid excuse for deviation from it. Pupils desiring to be excused from taking this course would, of course, have the right of appeal from the action of the teacher and the high school committee to the county board of education. It is the duty of the teacher and of the school committee to enforce the course of study as prescribed, unless the best reasons can be offered by the student for being excused from any part of it. It would be a dangerous precedent to excuse the pupils from any part of the prescribed course for flimsy and insufficient excuses, and would, of course, result in throwing the course of study into chaos. (January 14, 1916.)

13. **Corporal Punishment of Pupils by Teachers.**—Teachers stand *in loco parentis* and are clothed with certainly a reasonable authority for correcting the pupils placed under their charge. A moderate degree of corporal punishment can be inflicted without violation of the law, if it be done so as not to inflict permanent injury, or without any malicious or evil purpose on the part of the teacher. This question was decided very early in our State by our Supreme Court, 19 N. C. Report, page 365, in the case of *State v. Pendergrast*, in which Judge Gaston laid down the rule which seems to have been consistently followed by our courts up to the present time. (March 21, 1917.)

VI

SCHOOL DISTRICTS AND DISTRICT FUNDS

(a) *Regular.*

(b) *Special-Tax Districts.*

(c) *City and Graded School Districts Under Special Charter.*

(d) *Bonds.*

(a)

1. **Fixing Boundaries of Districts Left to Discretion of County Board.**—County board of education has authority, under section 4129, to divide the townships and the county into convenient school districts. The formation and consolidation of districts are placed in the discretion of this board. The Attorney-General advises me that in the case of *Howell v. Howell*, in Haywood County, the Supreme Court of North Carolina holds that the laying off of school districts and the fixing of their boundaries is in the discretion of the county board of education, and no appeal therefrom lies to the courts. It is, of course, however, a discretion that should not be exercised arbitrarily, and I feel sure that the county board of education will, as directed in section 4129, always consult the convenience and necessities of the people in fixing the boundaries of the districts, and will give a full hearing to both sides before determining the matter. (June 6, 1910.)

2. **Three-mile Limit; When it Does Not Apply.**—The three-mile limit does not apply to new and old houses in consolidated district, when old houses are to be abandoned. (June 6, 1911.)

3. **Change in County Lines Does Not Interfere With Unused Previous Apportionments.**—Last year the board of education of Cumberland County apportioned to Montrose School District, No. 2, funds sufficient to carry on a four months school. It seems that there was no building in District No. 2, and that certain patrons of the school agreed to furnish a house in which the school could be carried on. There was some delay, but the building has been completed at an expense of some four or five hundred dollars. The question has now arisen as to whether or not the money set apart to this school should be used for conducting it, inasmuch as the district will be in the territory cut off from Cumberland to make a part of Hoke County. Upon the facts stated I am clearly of the opinion that the children in this District No. 2 are entitled to the money set apart by the board of education for their use and benefit. The children of that district are entitled to their own, independent of the shifting of county lines. (March 10, 1911.)

(b)

4. **Boundaries of Local-tax Districts, How Changed.**—County board of education has no authority to take territory from a local-tax district formed by special charter and transfer to another local-tax district. It can change boundary lines between local-tax districts formed under section 4115, but not between one formed under that section and another formed by special act. (September 12, 1911.)

5. **Boundaries of Local-tax Districts Cannot be Changed so as to Reduce District After Election is Called.**—After an election for a local tax has been duly called the county board of education has no authority to reduce the size of the district by making changes in the notices already posted, cutting out certain territory. If the election is regularly called and regularly held, the tax should be levied on the original district. (December 18, 1911.)

6. **Contiguous Territory Defined.**—"Contiguous territory" in section 4115 refers to territory adjoining, but not lying within, a special-tax district. (September 12, 1911.)

7. **Special-tax District; Commissioners Cannot Levy More Than Maximum Rate; Cannot Reduce Amount to be Voted on After Notice of Election.**—The commissioners of a county can never levy more than the maximum amount of taxes voted for by the people in a special-tax district. But if the maximum amount should be found to be more than the district required, then, upon recommendation of the county board of education, it would be lawful for the commissioners to levy less than the maximum amount voted for. As to the question of reducing the amount of taxes to be voted on after the call and notice of election, I beg to advise that such a reduction would be equivalent to ordering a new election, and the same notice would have to be given after the reduction as if no notice had been issued at all. (April 23, 1910.)

8. **Taxation in Local-tax Districts; Commissioners Cannot Change Rate of.** The board of county commissioners cannot legally change the rate of taxa-

tion in a special-tax district after the tax has been duly voted according to law, in cases where the order for the election specifies the rate and due publication of the notice has been given. (February 1, 1909.)

9. Tax List in Special District; Expense of Making Borne by County Commissioners.—Under section 4115 it is the duty of the county commissioners to pay all expenses incident to levying and collecting the tax in a special district. (November 23, 1909.)

10. The School Fund is not liable for any part of the expense of listing the taxes in special-tax districts. Special-tax funds, however, levied and collected under section 4115, are liable for commissions of all legally commissioned officers who collect and disburse such fund. (March 11, 1915.)

11. Control of Special-tax Funds in Hands of Committee.—After the establishment of a special-tax district and the appointment of the committee for that district, the employment of the teacher and the control of the special-tax fund is vested in the committee of the district.

12. Township High School Tax.—Under section 4113 of the Public School Law a township high school tax can be voted, irrespective of the boundaries of any special-tax districts that may be included within the township boundaries.

13. A Part of Local-tax Fund for High Schools.—A part of the local-tax fund raised under section 4115 may be specifically set apart for high school instruction, after sufficient reservation has been made for the elementary grades, although the tax may not have been voted particularly for high school purposes.

14. When Special-tax Levy May be Made by County Commissioners.—If a special-tax election is held and carried before the levy is actually made by the county commissioners, the levy of the special-tax will be legal. If, however, the election is not carried until after the tax levy has been made by the commissioners for any particular year, it cannot be legally made for that year, after the date that is set by law for making the levy. A special-tax levy shall be made at the same time and in the same manner as other taxes under the law. (June 23, 1916.)

15. Petition for Special-tax Election under section 4115 must be approved by the county board of education in session at a regular or a called meeting. (March 2, 1917.)

16. Freeholder Defined.—One who is not a qualified voter cannot be counted as a freeholder within the meaning of the law. (July 25, 1916.)

-(c)

17. Special-tax District; One Town Cannot Invade Corporate Limits of Another Town in Establishing.—Section 4115 does not authorize one town to invade the corporate limits of another town for the purpose of establishing a special school-tax district.

Section 4114 provides for the support of schools in towns and cities by special taxes, and section 4115 covers the county outside of the incorporated towns.

I think that under section 4115 a district can be established containing all the territory within the corporate limits of a town and also include some

outlying territory, but I do not think that the corporate limits of another town can be invaded. (March 20, 1911.)

18. Act of Legislature Reducing Size of District is Constitutional.—In 1907 the Legislature incorporated a school district in a certain county in North Carolina, including a great deal of territory in the district, and submitted to the people within said district, upon election held under said act, the question as to whether or not they would issue twenty thousand dollars in bonds for the purpose of erecting a school building and carrying on a school in said district. Certain parties who are on the outer limits of said district are now requesting that an act be passed by the General Assembly taking them out of the district and relieving them of the special tax. The question you wish passed upon is, Would an act of the kind be constitutional? It seems to be well settled that an act passed by the Legislature cutting away part of a school district, whether said district is in debt or not, would be constitutional. (February 14, 1911.)

Nullified by constitutional amendment 1917, forbidding changing boundaries of school districts by act of Legislature.

19. Compensation for Disbursement of City School Fund.—Section 2728 of the Revisal of 1905 authorizes the county board of education to fix the compensation of the treasurer at such sum as it may see fit, provided the amount does not exceed two per cent on disbursements. If the special tax is paid to him and then paid by him to the local treasurer, he might have a technical right to claim his commissions upon the amount as a disbursement, though I have always advised that a disbursement of this sort in a lump sum was not such a disbursement as was contemplated by the section named, as it was largely a matter of form, without trouble to the treasurer, and that, therefore, the county board of education should regulate the commission upon it, and either allow the treasurer no commission upon that sum or else allow him a very much smaller commission than was allowed upon other disbursements, the local treasurer receiving the larger part of the commission for disbursement, as he was compelled to have all the trouble in disbursing it in small amounts and keeping the books and accounts. In a word, the matter should be regulated by agreement between the local board of trustees and the county board of education. There certainly should not be double commissions allowed on the same school fund—one to the county treasurer and the other to the local treasurer. The commissions on both certainly should not exceed the maximum fixed by the statute, and, if necessary, it should be divided between them in proportion to the trouble and responsibility of each. In case an equitable agreement cannot be reached, then I would advise an amendment to your school bill, directing the special tax to be paid directly to your local treasurer, who is under bond, without passing through the hands of the county treasurer. The matter is regulated in this way in a number of special school acts of towns and cities.

20. Reports from City Schools.—Section 4165 of the Public School Law requires full reports of the city schools to the State Superintendent, also to the county superintendent, in such form and at such time as may be directed by these officers. No school operating under special charter that is sup-

ported wholly or in part by public funds has a right to refuse to make these reports and expect to continue to receive its proper share of public school money.

(d)

21. A Public High School Under the State-wide Bond Act, Meaning of.—In my opinion, any public school in which grades above the seventh grade are maintained and instruction given in high school branches is a district public high school, and any district maintaining such grades and giving such high school instruction in its public school comes within the meaning of the State-wide bond act, and has a right to hold an election and vote a bond issue under that act. (March 27, 1917.)

22. The Amount of Tax to Levy to Pay Interest and Provide for Sinking Fund for Bond Issue.—The tax levy for bond issue must be limited to the amount actually needed for taking care of the interest of the bond issue and providing for the sinking fund. (June 23, 1916.)

23. Sufficiency of Notice of Election Called for Bond Issue.—The order calling for an election for a bond issue under section 1 of chapter 55 of the Public Laws of 1915 must set forth the maximum tax that may be levied, and except it does set forth the maximum tax that may be levied, the order calling the election is not sufficient in this respect. (June 19, 1916.)

VII

BRANCHES TO BE TAUGHT AND TEXT-BOOKS

1. When High School Subjects May be Taught.—High school branches cannot be taught in schools having only one teacher, and may be taught in schools having more than one teacher only after adequate provision has first been made for the thorough teaching of the elementary branches mentioned in section 4087.

If high school work is attempted, it must be free to all children in the district. (December 3, 1914.)

2. Bible as Text-book in Public Schools.—Not prescribed in section 4087 of the Public School Law. Not advisable to attempt to use it as a text-book on account of denominationalism. Proper to use it for devotional exercises. (September 7, 1906.)

3. Text-books, When Exchangeable.—An exchangeable book is incapable of exact definition, but there ought to be no difficulty in determining whether or not the book is in such condition as to be usable. The fact that a book has its back torn off, or a leaf missing here and there, would not prevent the book from being exchangeable. The book must be in such condition that, if there had been no change, it could have been used by the child in the public schools. (December 4, 1911.)

VIII

LOANS AND LIBRARIES

1. Loans to Whom; Installments, How Paid.—Loans for building school-houses are made by the State directly to the county board of education for

specified districts. The annual installments are paid in one sum to the State Treasurer. The county board is authorized by law to deduct the annual installments from the apportionments made to districts that have received loans. The board could, of course, if it saw fit, allow for these installments by making additional apportionments to the districts or by making apportionments out of the building fund to those districts each year.

2. Additional Apportionment by County Board to Meet Interest and Installment on Loan.—The county board of education may make an additional apportionment out of its building fund to assist a district in paying the interest and installment of its loan made in accordance with section 4056.

3. County Appropriations for Libraries.—The State appropriation for rural libraries is limited to five thousand dollars for two years. The number of new libraries to the county for which this fund is available before November 30th of any biennial period is six. There is no authority in the law for the county board to appropriate any money for rural libraries except the specific authority conferred by the rural library act, and this is conditioned always upon the raising of ten dollars by the community and the appropriation of ten dollars by the State. The same law, therefore, that limits the number of libraries for which appropriation may be made by the State also limits the number for which appropriation may be made by the county during the two-year period. I am of the opinion, therefore, that the county board has no legal authority to make an appropriation for more than six original rural libraries during the two-year period ending November 30th.

(See sec. 1, subsec. d, Laws 1915.)

IX

SCHOOL FUNDS

(a) *General (Including Fines, Forfeitures, and Penalties).*

(b) *Special Tax.*

(c) *City Schools Under Special Charter.*

(a)

1. County Board Has No Power to Designate Bank at Which Treasurer Shall Deposit School Funds.—The treasurer and the sureties on his bond are responsible for the safe-keeping of the school fund. Being liable on his bond for the safety of the fund, it is proper that the treasurer should have the power to determine where and in what manner the fund shall be kept. The county board of education has no power, therefore, to designate the bank in which the school fund shall be kept. (July 3, 1912.)

2. Special Poll Tax for Other Than School Purposes.—The county school fund is not entitled to any part of a poll tax levied by the Legislature for special county purposes other than for schools.

3. Fines, Forfeitures, and Penalties Must be Recorded and Reported.—All fines, forfeitures, and penalties must be recorded and reported as required by section 5, Article IX, of the State Constitution. Policemen or other officers cannot legally accept fines and make compromises without judgment.

4. Fines, Forfeitures, Etc., Cannot be Remitted.—The county board of education cannot remit by compromise any portion of fines, forfeitures, and penalties due the county school fund and diverted by towns and cities.

5. Fines, Etc., Imposed in Mayor's Court Must Go to County School Fund.—All fines, etc., imposed in mayors' courts of towns and cities must be properly reported and paid over to the county school fund, and failure to do so is a misdemeanor. Evasions are illegal.

6. Fines Imposed by Recorder's Court Must Go to County School Fund.—Fines imposed by a recorder's court must go to the general county school fund, and not to the graded school fund of the town in which the recorder's court sits. (May 14, 1909.)

7. Penalties under the Law Must Be Turned into the Public School Fund of the County in Which They Are Imposed and Collected.—Section 5 of Art. IX of the Constitution of North Carolina provides that the clear proceeds of all penalties, forfeitures, and fines collected in the several counties for any breach of the penal or military laws of the State shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State. Under this provision of the Constitution of North Carolina, all penalties imposed under sections 5217, 5228, 5230, 5232, 5233, and other sections of the Revisal of 1905, providing penalties for failure to list property for taxation or to pay taxes, as well as all such penalties provided in the Revenue and Machinery Acts, must be turned into the public school fund for the establishment and maintenance of public schools as provided in the Constitution of the State. (August 3, 1917.)

8. Fines Cannot be Remitted by Another Judge.—Fines imposed by a judge cannot be remitted by another judge. (August 29, 1910.)

9. All Fines, Forfeitures, and Penalties recovered in city or recorder's court in any criminal action are payable to general school fund of county, for all warrants issued in such cases are issued in the name of the State. (See section 3072, Revisal 1905.) City, however, may sue in civil action in name of city. Any judgment rendered under such civil action is merely a debt, and the person against whom such judgment is rendered cannot be arrested for nonpayment. (February 23, 1914.)

10. Stills, Sale of Materials Taken From, Regarded as Forfeiture.—The sale of materials from stills taken in the enforcement of the prohibition law is considered forfeiture, and the proceeds therefrom should be turned over to the county school fund. (July 6, 1912.)

11. City Schools Are Entitled to Equitable Part of Building Fund.—The city schools are entitled to their equitable part of the building fund. They pay their part of it, and in the apportionment of the building fund, just as in the apportionment of the other part of the school fund, they are entitled to be treated exactly like any other public school district of the county. The fact that these districts are operated under a special charter does not prevent them from being public school districts entitled to all the rights and privileges of other school districts in the distribution of the common public school fund, including the building fund. The fact that they issue bonds and levy taxes for better buildings and equipment ought to entitle them to more consideration, instead of less, by the county board of educa-

tion, in the distribution of the county building fund, and certainly ought not to cause them to be discriminated against by excluding them from sharing in that fund which they helped to pay, because they are willing to assume an additional burden of taxation to get better houses and equipment than the county and the regular school district can afford to provide. They should be encouraged rather than discouraged in such commendable efforts. The determination of their equitable share of building fund, according to their needs for building and equipment, is of course in the discretion of the county board of education. I simply suggest the following as an aid in arriving at an equitable determination of this: If the town or city has not provided houses and equipment out of its own funds by special taxation or bond issue the county board of education would be compelled to provide houses and equipment sufficient for the accommodation of the children of the district as a public school district. Estimate what it would have cost the board to make such provision on the basis of buildings and equipment of about an equal grade of those provided for other public school districts by the county board and then estimate the proportion of the cost thereof that the board would equitably allow from the county building fund upon the same basis as it apportions the cost of buildings and equipment between the county building fund and the district building fund in other regular public school districts of the county. Upon this equitable basis the board could make a lump allowance from the building fund to the town or city district or divide it into several years, allowing so much each year for two, three or four years.

Where a graded or other special school district has been established in a city or town, it is the duty of the county board of education to include in the distribution of the fund reserved for building and repairing school-houses in the county allowed by the statute such just and equitable part thereof as is required for such purposes within the graded or special school district established in the city. (163 N. C., 405.)

12. County is Not Required by Article IX, section 5, of Constitution of North Carolina to pay school fund amount of fine imposed when fine is worked out on roads or served out in jail. (January 15, 1914.)

13. State Equalizing Fund can be used only for teachers in elementary departments. No apportionment from the State Equalizing Fund can be made to high school teachers until after a full six months school term shall have been provided in the seven elementary grades. (July 22, 1913.)

14. Total State and County Poll Tax cannot exceed two dollars. Not more than one-fourth of this amount can be used for maintenance of the poor. At least three-fourths must be appropriated to the public schools. If so much as one-fourth is not used for the maintenance of the poor the balance, whatever it may be, must be turned over to the public school fund. (January 3, 1913.)

15. Appropriation by a County Board of Education Under Section 4116 to City Schools in Which a City Superintendent is Included as a Teacher.—As a superintendent of a city school is required to devote a part of his time to the supervision of the elementary school, it is equitable that he could under the law and should be allowed an apportionment on about the same

basis as a teacher in these schools. It would be proper to count the superintendent of the city school as a teacher, because of his connection with the elementary school and so provide a reasonable compensation for his supervision of those schools in the apportionment from the county school fund. (January 29, 1916.)

16. The Levying of an Extra Tax for Four Months School Term.—Section 6 of the six months school law provides that a special tax of fifteen cents on every one hundred dollars worth of property, real and personal, and forty-five cents on polls, may be levied to provide for a four months school term in every school district. This is meant not to exceed the constitutional limitation of two dollars on polls unless, by special election, the same has been provided for. (May 28, 1917.)

17. City Boards of Education May Not Use Any Part of the General Public School Fund for the Maintenance of a Night School for Adult Persons.—In the absence of special statutory authority, a city board would not have the right to use the taxes levied and collected by the city for school purposes, for a night school for adults. (January 19, 1915.)

18. Payment of Fee for Recording of Deeds.—There seems to be no law that exempts the recording of deeds to public school property from the payment of the usual charges for performing this service. I should judge that the board of education would be the proper party to pay the recording charges for deeds to property that belongs to that board. (April 21, 1917.)

19. The Borrowing of Money to Pay Teachers' Salaries, Where the County Apportionment Has Been Used for Building a House.—The county board of education would not have authority to borrow money to pay teachers' salaries in special districts where the county apportionment for this year had been appropriated for building a house, except for the amount of the apportionment and special taxes that will be available for that district for this school year. Under section 4150 of the Public School Law no part of the school fund for one year can be used to pay school claims for the previous year. Therefore, the board would not have a right to borrow money to pay the salaries of teachers for this year and repay it out of funds due the district for next year. It could borrow money only to the amount of funds that will be available from all sources from taxes and apportionment of this school year for teachers' salaries in the special district. (August 31, 1916.)

X

SPECIAL-TAX ELECTIONS

1. Special-tax Elections Held Within Less Than Thirty Days of Another Election.—After consultation with the Attorney-General, I am of the opinion that the provision in the general election law forbidding the holding of elections within thirty days of another election does not apply to special-tax elections held under section 4115 of the Public School Law, which provides that such elections may be held after thirty days notice, and that there is no recent decision of the Supreme Court touching the matter, so far as we have any information.

2. Sundays Counted in Twenty Days for Keeping Registration Books Open. In counting the twenty days preceding an election for local tax, during which the registration books must be kept open as provided by section 4323 of the Revisal, Sundays must be included. (June 9, 1909.)

3. Qualified Voters; Number Determined by Old Registration Books.—The board of county commissioners should use the old registration books as a basis for determining whether or not the requisite number of qualified voters have signed a petition for the repeal of a special tax. Either party to a controversy, however, would have a right to show that some who are now registered have left the district and that other qualified voters have come into the district and become qualified.

4. Ordering Local-tax Election: County Board of Education Has Discretion; County Commissioners Have Not.—The approval of a petition for a local-tax district lies wholly in the discretion of the county board of education, and may not be compelled, but upon a petition of one-fourth of the freeholders endorsed by the county board of education, the county commissioners have no discretion but *must* order and hold the election as provided in section 4323 of the Revisal. (July 1, 1909.)

5. Taxation in Local Tax District, Authority of Commissioners to Fix Rate of.—If special-tax election was called under the general provisions of section 4115, without specifying in the petition, order, or notice the amount to be voted, levied, and collected, the county board of commissioners can levy and collect a less amount than the maximum fixed in this section, but only upon recommendation of the committee of the district approved by the county board of education. (June 1, 1911.)

6. How Special Tax May be Repealed.—An amendment to section 4115 by the General Assembly of 1909 provides a way by which a special-tax may be repealed without special legislative enactment. An election for this purpose may be called by the board of county commissioners, upon approval by the county board of education of a petition signed by two-thirds (1911) of the qualified voters residing in the special-tax district. Such election cannot be held within less than two years from the date of the election at which the tax was voted nor within two years of any previous election for voting off the tax.

7. Persons Not Allowed to Vote Who Moved Into District Within Four Months Preceding Election.—Persons may not be allowed to vote at a special school election who have moved into the district from another part of the same township within four months preceding the date of election. Section 4316 of the Revisal of 1905 provides that, to be entitled to vote, a person shall have resided four months in the precinct, ward, or election district in which he offers to vote next preceding the election. (March, 1913.)

8. Boundaries of a Special-tax District may not be enlarged by the Legislature unless an election is provided for in the territory which has not voted upon the question of a special-tax levy. (February 13, 1915.)

9. To Vote in a Special-tax Election which is held prior to May first, a man must have paid his poll tax for the preceding fiscal year. That is to say, no man can vote in a special-tax election which is held between January first and May first unless he could have voted any time after May first of the preceding calendar year. (March 19, 1915.)

10. **Where a Two-dollar Poll Tax** has already been levied for general State and county purposes, there can be levied, by a vote of the people, a special tax upon the property in any given district without the corresponding tax on the poll. (March 19, 1914.)

11. **The Term "Freeholder"** does not include women, infants, and non-residents. (January 29, 1914.)

12. **Taxes Must be Levied Equally** on all residents living within the confines of a special-tax district, without respect to race. (March 25, 1914.)

13. **Contiguous Territory** may be added to a special-tax district by vote of the people in the territory to be annexed. (October 16, 1914.)

14. **No Petition to Revoke** a special-tax can be approved by a county board of education so long as there is any debt on the building in such district caused by the borrowing of money from the county or the State over and above that to which the district was rightfully due from general building fund. (April 30, 1914.)

XI

SCHOOL PROPERTY

(a) *General—Title to and Control of.*

(b) *Houses and Lands.*

(a)

1. **Title to School Property in District Created by Legislature Remains in County Board.**—The title to the public school property that may be in a district, when created by legislative enactment, which gives authority to a local school board to manage the school affairs of the district independent of the county board of education, remains in the county board of education, and such property may be disposed of by the county board in such manner as it deems equitable and just.

2. **Control of School Property Vested in Committee and County Board.**—Under sections 4147 and 4125 the school committee and the county board of education have full power to control the school property and to make rules and regulations for its control in such manner as they deem best for the interest of the public schools and the cause of education. The county board of education unquestionably has the entire control of the property in a district in which the committee has resigned. (April 17, 1908.)

3. **Proceeds From Sale of School Property.**—It is no violation of the spirit of the law to appropriate the proceeds from the sale of school property for the purpose of purchasing other property in the same or an enlarged district, although the full per cent of the annual fund allowed for building may have been set aside for the district.

4. **Condemnation Proceedings, When and How Instituted.**—Under section 4131 of the Public School Law the county board of education has authority to select a site for a schoolhouse and secure the same, to the extent of three acres, by condemnation, if it cannot be obtained otherwise. In accordance with this section, appraisers shall be appointed by the clerk of the Superior Court to appraise the value. Section 4131.

5. Land Acquired by County Board Does Not Revert to Heirs.—Land acquired by the county board of education through condemnation proceedings, when it ceases to be used for school purposes, does not revert to the heirs of the original owner, but as the board acquires a title in fee simple, the board can give a title in fee simple. (June 12, 1911.)

6. Property Deeded for School Purposes; When it Reverts to Heirs.—Property deeded for school purposes to school trustees or to the county board of education except by fee simple deed, reverts to the heirs of original owners when it ceases to be used for the purposes set out in the deed. (March 17, 1909.)

7. Insurance on School Property, How Paid.—Every school district is permitted to spend not to exceed twenty-five dollars a year out of its apportionment of the county school fund for necessary incidental expenses; a larger amount for such expenses must be approved by the county board. A reasonable amount of insurance could be carried on the school property of a district and the premium paid out of the twenty-five dollars allowance. The premium could not be paid out of the county reserve fund, because that fund is limited to the payment of the expenses of the county board and the county superintendent's salary. As the title to school property is vested in the county board of education, it can insure it and order payment out of funds apportioned to district.

(b)

8. Plans for Schoolhouses Must be Approved and Buildings Inspected.—It is true that plans and specifications for schoolhouses are provided at the office of the Superintendent of Public Instruction. Furthermore, the law forbids the erection of any public schoolhouse that is not built in accordance with plans approved by him. Of course, this does not mean that all schoolhouses must be built after the plans and specifications that have been prepared for distribution from this office, but other plans may be submitted for his approval, as is often done. Section 4124 also requires all new schoolhouses to be inspected, received, and approved by the county superintendent before full payment is made therefor.

9. Doors of Schoolhouses Must Open Outward.—Under the provisions of chapter 637, Laws of 1909, the doors of schoolhouses having more than one room, whether in towns or in the rural districts, must be so hung as to open outward. (July 12, 1909.)

10. One-half of the Cost of New Schoolhouses May be Paid by County Board.—Section 4124 clearly means that the county board, out of the building fund which it may reserve by the provisions of section 4116, shall not pay exceeding one-half the cost of building any new schoolhouse, the other half of the expense to be borne by the district. But the board has complete control of the whole subject, and may forbid the erection of a schoolhouse in a district which ought not to exist. It must be remembered that no house can be built unless it is built in accordance with plans approved by the State Superintendent, and the county board is charged with the duty of carrying into effect this provision to secure neat, comfortable, and attractive houses. Pamphlets containing plans of such houses as will be approved by the State Superintendent, together with specifications, estimates of cost, and bills for

materials, will be furnished by the State Superintendent on application. The purpose of limiting the amount of the school fund that can be annually expended for the school buildings was to prevent the hurtful decrease of the school term. Using the proceeds of the sale of old school property for new and better property is simply exchanging school property, and need not be accounted for in the annual apportionment of the school fund of the county.

11. Public School Building Not Subject to Statutory Lien.—"A public school building, vested in trustees for public school purposes, is not subject to statutory lien for materials furnished for its contractor, in the absence of a statute indicating a legislative purpose to the contrary." 150 N. C., 680. (December 13, 1911.)

12. New Buildings.—Sections 4116 and 4124 authorize county paying half cost of buildings out of county building fund and taking out of district fund balance unless otherwise provided for by district. (December 3, 1914.)

XII

MISCELLANEOUS

1. Contracts With Private Schools Authorized; Contracts with Sectarian or Denominational Schools Forbidden.—Section 4151 of the Public School Law expressly gives authority to the school committee to contract with the teacher of a private school, regularly conducted for at least six months in the year, to use the public school fund in connection with the private school to give instruction to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, under the conditions prescribed in that section. I have ruled that the term *private school* does not include *sectarian* and *denominational schools*. There is, therefore, not only no authority for making any contract with these schools for the use of public school funds, *but contracts with such schools are forbidden*.

2. Compulsory Vaccination; Sanitary Committee May Order.—Section 4347, Volume II, the Revisal of 1905, provides that the sanitary committee of the county may make such regulations and provision for the vaccination of all the inhabitants of the county and impose such penalties as they deem necessary to protect the public health. Sections 3453 and 3455, Volume I, the Revisal of 1905, make any person violating these rules and regulations guilty of a misdemeanor. Therefore, if the sanitary committee of a county legally orders compulsory vaccination for the people of a town, it is the duty of the school authorities and patrons of the schools to obey the order.

It is especially the duty of all teachers and school officers to inculcate in children the spirit of obedience to law. See section 23, chapter 62, Laws 1911.

3. Only Colleges and Universities Can Confer Degrees; Power Given by Legislature.—Only a chartered college or university can issue a diploma or confer a degree. Colleges and universities have no power to confer degrees or grant diplomas unless the power is expressly given by legislative enactment. (February 23, 1909.)

4. Use of Schoolhouse for Religious Purposes.—The school house is the property of all the people, built by the taxes of all the people, and while it

is under the control of the county board of education and the school committee, the continuous use of it for the benefit of only a part of the people consisting of one religious denomination is always subject to criticism from some of the people belonging to other denominations; and for that reason I think it usually unwise to permit a schoolhouse to be used continuously as a church by one sect or denomination. If one denomination is permitted to use it for this purpose, other denominations would have the same right to demand its use, if needed, and all sorts of complications might arise. I think the occasional use of the schoolhouse by any religious denomination for such a good purpose as the promotion of religion among the people is for the elevation of the community and is proper, or the use of it by a denomination while they are building a church, or getting ready to build a church, as an accommodation, it seems to me, ought not to be objected to, with the permission of the county board of education and the school committee.

5. **County Board of Education** does not have right to require individual drinking cups. (February 7, 1913.)

6. **The Chairman of a Board of Trustees** or other governing body has only one vote; that is, he may not vote as a member and also as chairman after his vote as a member has been used to bring about a tie. (May 23, 1913.)

7. **Vaccination Against Smallpox** and other contagious diseases may be required of all school children by board of health of any town, city, or county. (November 25, 1913.)

8. **Legislature Cannot Raise** rate of interest on school bonds without providing for an election by the people in the district affected. (January 28, 1915.)

9. **A City School Board** may not use the taxes levied and collected for school purposes to run a night school for adults, unless special permission to this end is granted by Legislature. (January 19, 1915.)

10. **Position on Sub-Textbook Commission** is not to be considered an office, and a member of the sub-textbook commission may hold office while pursuing his duties as member of such commission. (October 7, 1913.)

11. **If a School Site Has Been Donated** with the provision that it reverts to owner when no longer used for school purposes, the committee have a right to remove or sell the school building, etc., before giving up the site. (July 14, 1913.)

12. **Not More Than One-third** of the funds for the maintenance of the high school department in any public high school may be apportioned by the county board of education out of the county school funds until a minimum school term of six months is reached throughout the county.

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